

REACTIVATION NOTICE

Pursuant to Practice Direction 55C

(comes into force on 23 August 2020)





Introduction

Landlords wishing to proceed with possession action issued before 3 August 2020 and which has been stayed automatically by [CPR55.29](#) must file and serve a written notice (a “reactivation notice”) confirming that they wish the case to be listed, relisted, heard or referred.

It is not clear whether a prescribed form of reactivation notice will be provided by the court service, but it is clear from [PD55C](#) what information the court will require when considering a request to reactivate a stayed claim as set out below. This form may therefore be used as a checklist.

Case details

Please provide, in accordance with para 2.3(a):

- details of the Parties, Claim Number and Court
- a statement confirming you wish the case to be:
 - a) listed;
 - b) re-listed;
 - c) heard, or
 - d) referred to a Judge (Accelerated Procedure for Assured shorthold – S21 Claims)

Rent arrears

Where a claim for possession is based on rent arrears, the reactivation notice must, in accordance with para 2.4:

- Include an up-to-date rent statement for the last 2 years.

Case Management

Where in a stayed claim the court made an order for directions before 23 August 2020, para 5.1 states the reactivation notice must:

- Include a copy of last Order for directions;
- Include a statement whether further directions are needed or not:
 - a) If **yes**, confirm what further directions are required in a draft order
 - b) If **no**, include a statement that existing dates can be met

Note - an existing hearing date can only be after 4 October 2020 (42 days from the PD coming into force and assuming the reactivation notice is served on 23 August 2020)

- Include a statement whether the case can be heard by audio or video link.

Impact of Coronavirus on the Defendant

Paragraph 2.3(b) states that the reactivation notice must set out what knowledge the landlord has of the effect of the Coronavirus

pandemic on the Defendant and their dependants.

Landlords should review their records and contact the Defendant in advance of the reactivation notice to obtain as much information as possible about the effect of the Coronavirus on them and their household. Contact may be by home visit, telephone, electronic communication or letter.

The Defendant may not wish to provide information for data protection reasons or to avoid the claim being listed, relisted, heard or referred and therefore landlords should retain all records of (attempted) contact to obtain information as it might be necessary to rely on the attempted contact at court.

Landlords should therefore investigate and record the following:

- the composition of the Defendant’s household, including:
 - a) Number of adults and children
 - b) Relationship to the Defendant
 - c) Age of the occupiers
 - d) Any disability or vulnerability issues
- What steps have you taken to contact the Defendant?
- What knowledge you have about the effect of the Coronavirus on the Defendant, including:
 - a) Financial effect (employment status, loss of earnings, entitlement to benefits etc)
 - b) Health (physical or mental)
- What information you have about the change of circumstances or impact of Coronavirus on any dependants?
 - a) Financial effect on those that might contribute to household income;
 - b) Health (physical or mental)
 - c) Death of relatives/dependants

Service of the reactivation notice

Once complete, the reactivation notice must be filed at court and served on the Defendant. Landlords should:

- Complete a Certificate of Service to prove service on the Defendant.

If you require any further information on the effect of the Coronavirus on possession proceedings, please contact Paul Hayes:



Paul has over 20 years' experience of housing management and residential leasehold disputes. He acts for landlords and HNWIs, specialising in contentious and non-contentious areas of housing management (including nuisance possession claims, applications for injunctions, defending disrepair claims and leaseholder disputes), tenancy deposit disputes, service charges and enfranchisement. Paul also has substantial experience in dealing with protestor and large scale trespass actions, protecting businesses, their brands, their property, staff and customers from protestors causing harassment, alarm and distress.