

Defence form

(accelerated possession procedure)
(assured shorthold tenancy) where
the property is located wholly or
partly in England

Name of court Grangetown County Court	Claim No. 5RK563241
Name of Claimant John Smith	
Name of Defendant(s) Abdul Karim	

To the Defendant

Please read the claim form and all papers delivered with it before completing this form.

Some of the questions in this form refer to numbered sections in the claim form. You will find it helpful to have that open as you answer them.

Please note that if section 1 of the claim form has been completed because you are a tenant of premises let under a demoted assured shorthold tenancy, you need only answer questions 1 and 6 onwards.

If you cannot give exact dates, make it clear that the dates given are approximate.

In all cases you **must** complete and sign the statement of truth.

Please write clearly and in black ink. If there is not enough room for an answer, continue on the last page.

1. Are you the tenant(s) named in the tenancy agreement, marked 'A' (or 'A1'), attached to the claim form? Yes No

Does that tenancy agreement (or do both) set out the present terms of your tenancy (except for any changes in the rent or the length of the tenancy)? Yes No

If No, say what terms have changed and what the changes are:

2. Do you agree the date, in section 2 of the claim form, when the claimant says the tenancy began? Yes No

If No, on what date did it begin?

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

3. If the claimant has completed section 3 of the claim form, did you receive the notice (a copy of which is attached to the claim form and marked 'B') and, if so, when? Yes No Not applicable

If Yes, please give date

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

4. Do you agree with the rest of what is said in section 3 of the claim form? Yes No

If No, what do you disagree with and why?

5. Do you agree that what is said in section 4 of the claim form is correct? Yes No

If No, what do you disagree with and why?

6. Did you receive the notice referred to in section 5 of the claim form, (a copy of which is attached to the claim form and marked 'C')? Yes No

If Yes, please give date

3	0	0	8	2	0	1	8
---	---	---	---	---	---	---	---

7. Do you agree that what is said in section 6 of the claim form is correct? Yes No

If No, what do you disagree with and why?

8. Do you agree that what is said in section 7 of the claim form is correct? Yes No

If No, what do you disagree with and why?

I was not given the prescribed information in relation to the deposit and the operation of the TDS. As such the s.21 notice that I have been served is not valid under s.215 of Housing Act 2004.

9. Do you agree that what is said in section 8 of the claim form is correct? Yes No

If No, what do you disagree with and why?

10. Do you agree that what is said in section 9 of the claim form is correct? Yes No

If No, what do you disagree with and why?

11. Do you agree that what is said in section 10 of the claim form is correct? Yes No

If No, what do you disagree with and why?

12. Do you agree that what is said in section 11 of the claim form is correct? Yes No

If No, what do you disagree with and why?

13. If there is some other reason, not covered above, why you say the claimant is not entitled to recover possession of the property, please explain it here.

I wish to defend the case on the basis that my landlord is only evicting me because I helped my neighbour with his claim against my landlord for race discrimination.

I acted as a witness for my neighbour and as soon as I did that I received a s.21 notice. This is victimisation and is unlawful under s.27 Equality Act 2010 (see Additional Information page for more detail.)

Postponement of possession

14. Are you asking the court, if it makes a possession order, to allow you longer than 14 days to leave the premises because you would suffer exceptional hardship? Yes No

If Yes, please explain why the hardship you would suffer would be exceptional.

I will struggle to find another property that is suitable for me as I have a low income and there aren't many properties that are affordable. I have no-where else to go.

Say how long you wish to be allowed to remain in the premises.
(The court cannot allow more than 42 days after the order is made.)

up to 31 December 2018

Payment of costs

15. If the court orders you to give possession, do you agree that you should be ordered to pay the claimant's costs? Yes No

If No, what do you disagree with and why?

Because the only reason I am being evicted is because I supported my neighbour in bringing a claim against our mutual landlord.

16. If the court orders you to pay the claimant's costs, do you ask it to allow you more than 14 days to pay? Yes No

If Yes, give details of your means (continue onto last page if necessary)

I am in receipt of Employment and Support Allowance and am already struggling with my finances so won't be able to pay any costs off within 14 days. If I am ordered to pay costs I can afford to pay £5 per week.

Statement of Truth

*(I believe)(~~The defendant(s)~~ believe(s)) that the facts stated in this claim form (and any attached sheets) are true.

*~~I am duly authorised by the defendant(s) to sign this statement.~~

Signed

A Karim

Date

19/11/2018

~~*(Defendant)(Litigation friend (where claimant is a child or a protected party))(Defendant's solicitor)~~

*delete as appropriate

Defendant's date of birth

01/04/1965

Full name

Abdul Karim

Name of defendant's solicitor's firm

N/A

Position or office held

(if signing on behalf of firm or company)

N/A

Defendant's or defendant's solicitor's address to which documents should be sent.

Abdul Karim
4 Town Street
Freetown
Derbyshire

Postcode

DE33 5AH

If applicable

Ref. no N/A

Fax no. N/A

DX no. N/A

e-mail abdul.karim@noemail.com

Tel. no. 01345 123456

Additional Information

(Include the number of the section which is being continued or to which the information relates)

I am the tenant of the above property. I wish to defend this claim on the basis that:

1. the section 21 notice that I have received is not valid because I have not served any perscribed information as required by s.213 of Housing Act 2004. This means that under s.215 of Housing Act 2004 no s.21 notice can be given whilst my landlord is in breach of their obligations;
2. it is victimisation under section 27 Equality Act 2010 because my landlord is only evicting me because I have helped my neighbour by acting as a witness in his claim against our mutual landlord for race discrimination.

I bring my claim under s.27 and s.35 of the Equality Act 2010.

I acted for my friend as a witness in his recent case for race dsicrimination - this is a protected act under s.27. My firends case was under claim number 5GH56789 which was dealt with at Grangetown County Court on 29th August 2018. Please see my attached witness statement and also a letter from my friend's solicitor which confirms that I was due to attend the hearing as a witness.

After the hearing my landlord wasn't very happy and he said he felt let down by me and then the next day I received a notice. I've been a good tenant and haven't had any problems before. The only reason that I was served the notice was because I had witnessed the racial abuse that my friend suffered and I felt I had to support my friend with his case as I knew it was wrong.

Signed

A Karim

Date

19/11/2018

(Continue on a separate sheet if necessary, remembering to sign and date it and heading it with the Claim Number)

