

EVICTIONS

Minimum information to be elicited in average case.

FACTS

1. Name of Defendant(S) and status as Tenant/Occupier

2. Family members/others also in occupation
 - (a) Married
 - (b) Partner
 - (c) Children (number)
 - (d) Others

3. Premises
 - (a) Open or local market
 - (b) Brief description

 - (c) Furnished or unfurnished

4. Date of commencement of tenancy/occupation

5. Rent charged per week/month

6. (a) Has a notice to Quit been served by HM Sheriff, if so when
 - (b) The expiry date stated in the Notice

7. Reasons for seeking eviction
 - (a) Arrears of rent
 - History –
 - Amount unpaid –
 - Warning of eviction given if any –
 - (b) Any other grounds

8. Income of defendant(s)
 - (a) Employment
 - (b) Supplementary benefit
 - (a) Any other income

9. Estimated expenditure per week
 - (a) Assets if any
 - (b) Debts if any (other than arrears of rent)

10. Any attempts by defendant(s)/others to secure re-housing
 - (a) with relatives
 - (b) elsewhere

11. Has landlord offered any alternative accommodation
 - (a) when
 - (b) where
 - (c) rent
 - (d) suitability

12. Matters to be taken into account by the Court with a view to deciding whether the Court should suspend execution of an eviction order (section 3 (a) – (h) of the 1946 Law)

13. Is landlord willing to accept any minimum stay of eviction?

(a) how long

(b) on what conditions

FOR PRESIDING JUDGE

Is eviction order to be granted as a matter of law

FOR JURATS

(a) Resolution of any factual issues before decision on law

(b) What stay of eviction, if any

(c) Conditions attached to stay of eviction, if any