

Housing Law Practitioners Conference
Innovations in the Housing Sector: New Age Solutions for Age
Old Problems
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GV MR

Introduction

1. The Renters' Rights Act (the RRA) received Royal Assent on 27 October 2025. I am not intending to provide any kind of Master Class on the new legislation. It is, though, perhaps worth noting the three changes introduced by the RRA that are likely to have the greatest effect on the justice system.
2. First, the abolition of section 21 of the Housing Act 1988 which allowed for possession to be gained without grounds or fault will end in May 2026. That will undoubtedly create more contested possession cases than we have had hitherto.
3. Secondly, the RRA will introduce a new system for rent increases. The changes will mean that, once the landlord serves its section 13 notice indicating a rent increase, the tenant will be able to freeze the rent by applying to the FTT, without the risk that the FTT will award an even higher rent. But what is likely to push up the numbers of applications to the FTT considerably is the fact that making an application will prevent the increase taking effect until the FTT has reached a decision. The increase will not be backdated. The FTT hearing may take some time, particularly if numbers increase significantly. There will therefore be an incentive for tenants to apply to the FTT in respect of every increase to delay its implementation.
4. Thirdly, the new Private Rented Sector database will be compulsory, so that all private landlords will need to register

and pay the fees. Non-compliance will result in civil fines which will be enforced by local authorities through the courts.

5. It is in this context that I want to try to examine how other ongoing developments in the civil justice system and in ever-more capable AI will affect the Housing sector and the work that all of you do within it.

The Online Procedure Rules Committee

6. As you will know, I have chaired the Online Procedure Rules Committee (OPRC) since it was established by Part 2 of the Judicial Review and Courts Act 2022. The OPRC is central to the creation of digital online justice fit for the 21st century. It is also critical to ensuring that justice is accessible, fair and affordable, especially in housing and property claims. Those claims involve some of the most vulnerable people in our society, and technology can help make the process far more accessible and inclusive. That is why the OPRC has put its digital inclusion framework front and centre of its rule-making activities.
7. The first Statutory Instrument under the 2022 Act allocating jurisdiction to the OPRC was given the snappy title: *The Online Procedure Rules (Specified Proceedings Regulations) 2025*, and came into effect on 1 May 2025. Those regulations gave the OPRC the power to make rules for civil and tribunal proceedings in relation to **property** and family proceedings for financial remedies. Those powers are in addition to, rather than replacing, the rule-making powers of the existing rule committees. But the intention is that, over time, all online processes will be governed by rules made by the OPRC.
8. The OPRC is now consulting on the first instalment of the basic general Online Procedure Rules for court-based online legal proceedings provided by HMCTS in civil, family and tribunal proceedings. The consultation went live today and will close on 15 January 2026. Those general rules will provide for the Online Procedure Rules for Property and Possession Proceedings to be set out in a practice direction.

9. The general Online Procedure Rules will be far more simple and accessible than the current Civil Procedure Rules. They will provide for a set of very straightforward general principles and general rules.
10. The general Online Procedure Rules will include for example, principles that parties participating in online legal proceedings have **duties** to help the court or tribunal achieve the Overriding Objective, to take all reasonable steps to settle their disputes, to cooperate with the court or tribunal's active case management, to identify the issues that the court or tribunal needs to determine, and to act in good faith when dealing with the court, the tribunal and other parties.

The new property/ possession online claims platform

11. Meanwhile, of course, HMCTS is busy building an entirely new online platform for possession and property claims, which will exist alongside the Online Civil Money Claims and Damages Online Claims platforms. The first iteration of that new platform is expected to be released in the late Spring of 2026.
12. Against that important background, I am going to try to evaluate where we are with property litigation and the use of artificial intelligence to streamline that process.

Property litigation, the OPRC and the future

13. The new possession and property platform should be a great improvement on PCOL. The idea is that it will be capable of dealing with all claims, whether court or tribunal based, concerning any one property. I think we all realise that it is illogical for the same parties to have to contest more than one set of proceedings in respect of the same property in different courts or tribunals. That was the rationale for the double-hatting pilot initiated by Judge Siobhan McGrath.

14. The Reform Project has produced two main civil platforms and several others for family and tribunals. They are based on something called Core Case Data (known as CCD) and they are designed to produce an intuitive journey for the user, whether lawyer or litigant in person. Unfortunately, as things stand today, only 23% of civil cases are undertaken using the CCD platform. Once the new possession platform is up and running, that will add up to 10% more civil cases to that figure. The new property and possession platform will be able to deal with cases involving multiple parties, whilst the current Online Civil Money Claims (OCMC) and Damages Claims Online (DCO) platforms can only handle one or two parties on each side at most. Accordingly, it may be the precursor to the CCD platform being used, in due course, for more complex litigation.
15. In my view, it is incredibly important that the pre-action and post-action online systems are integrated and aligned. That is why the OPRC is concerned not only with making rules for the online court-based dispute resolution systems, but also with the pre-action space. The OPRC has recently consulted on its pre-action public-private model for online dispute resolution before litigation starts. The idea is that the many dispute resolution, legal information and legal advice platforms that already exist will align in two distinct ways. First, they will direct users around the pre-action ecosystem to the platforms or services that are most likely to be able to advise them effectively or to resolve their disputes. Secondly, the OPRC will provide guidelines or, eventually, rules that require pre-action dispute resolution services to adhere to uniform data standards. The idea will be to ensure that the data related to a dispute can be transmitted from platform to platform as needed, and then, if court-based dispute resolution is ultimately required, via an Application Programming Interface (API) into the online court-based dispute resolution platforms.
16. We are fortunate in England and Wales in that we have numerous trusted advice and dispute resolution services provided either privately or by the state. Examples include AdviceNow, the CAB, ACAS, the Official Injury Portal,

numerous mediation and arbitration platforms, and numerous Ombuds services including, of course, the Housing Ombudsman and Local Government and Social Care Ombudsman. What is required is the integration and alignment necessary to produce a truly Digital Justice System. The OPRC aims to be the catalyst that will bring these online services together.

17. I mentioned the Housing Ombudsman just now. He deals, of course, with complaints by tenants in social housing. The new Renters Rights Act will create a mandatory Private Rented Sector Ombudsman for all private landlords in England to resolve tenant complaints. Those services, alongside, the alongside Local Government and Social Care Ombudsman, will need to be aligned within the Digital Justice System.

How might AI help in the property sector?

18. The provisions for property disputes and litigation are very disparate. The High Court, the County Court, the First-tier Tribunal (Property Chamber), and the Upper Tribunal (Lands Chamber) all have varied and various jurisdictions. There are, as mentioned already, the Housing Ombudsman, The Property Ombudsman, the Property Redress Scheme, the New Homes Ombudsman Service, and the Local Government and Social Care Ombudsman. There will soon be a Private Rented Sector Ombudsman too.
19. The same parties can have proceedings in the FTT and in the County Court. Rationalisation is imperative, but has always seemed a distant aspiration as more courts, tribunals and ombuds services are created to deal with current problems.
20. The key to rationalisation is, in my view, to insist on one set of proceedings and dispute resolution mechanism for disputes concerned with one property. That is why, I am pleased to say, the first question on the new property/possession platform will ask you to identify the property with which your claim is concerned.

21. It seems obvious also that AI could help, as much in property disputes as it will be able to help in other areas of dispute resolution.
22. It can, as we all know, summarise documentation, including court documents and bundles very effectively, create chronologies and do legal research. HMCTS is already experimenting with how it can do some of these tasks for judges.
23. I feel, though, that we are all missing a critical point in relation to the use of AI in legal proceedings. Lawyers and judges are familiar with litigants in person arriving at court with piles of loose papers in carriers bags. But historically, individuals and small businesses have found it difficult to transform these, often lengthy, stream of consciousness paper ramblings into a coherent legal claim, a coherent legal defence or a coherent witness statement.
24. Current generative AI tools are well able to do this. But the crucial factor that may have been somewhat lost sight of, is that litigants are **now** using AI for precisely this purpose. In a few minutes, lengthy ramblings explaining why a tenant dislikes and wishes to claim against their landlord can be turned by AI into a well-ordered intelligible legal claim against that landlord. We have seen a recent increase in civil claims in the County Court and that may be because some people and businesses are using AI to translate their oral complaints into comprehensible legal claims and defence documents that can be uploaded to the civil claims platforms and issued in court.
25. These developments may, if they have not already done so, transform the justice system. It will be necessary for HMCTS, the judiciary, the ombuds and all pre-action online services to work together to make sure that our digitised systems can handle and deal effectively with the likely increases in claims and defences generated plausibly by AI. This is not about whether it is or is not a good thing for claims to be created by AI. AI is a reality now, and individuals are and will be able to use it as their agent to pursue litigation.

26. On a more positive note, AI could be particularly helpful for tenants defending possession actions as litigants in person. Tenants are often unable to express their complaints about their situation as a defendant to a possession action with much coherence. AI can help marshal those thoughts into any legal defence that the thoughts expressed by the tenant might disclose.
27. In rent disputes, AI is ideally suited to sort out complex payment and accounting data. It is important, in my view, to design the new property and possession platform on the basis that AI tools will inevitably play a part in the preparation of property claims, if not, at a later stage, their resolution.
28. In the future, agentic AI is going to be very important to the preparation and conduct of property disputes and also to mediation and even to the creation of mediated outcomes. Agentic AI is where a person or business asks AI to act on its behalf to undertake tasks on its or their behalf.
29. I shall not now repeat the several lectures I have given on whether AI ought to be used for judicial decision-making. Suffice it to say that I am sure that many property disputes **could** be amenable to machine-made decision-making. It will be for future discussion whether, as a society, we would want decisions about people's right to stay in their home to be decided by a machine rather than a human. This conversation is rather more urgent than many people imagine.

Conclusion

30. This conference has been entitled *Innovations in the Housing Sector: New Age Solutions for Age Old Problems*. AI offers opportunities to resolve complex rent and disrepair disputes far more quickly and economically than was possible in past times. We should embrace those opportunities and available new technologies in order to provide the access to justice that

so many tenants and occupiers have long sought and have long found to have eluded them.

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