



Guidance Note for Parties

Short-Term Residential Lease Claims in the Real Property Division

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Short-Term Residential Lease Claims in the Real Property Division

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Introduction

1. This guidance note details the highly specialised and expedited procedures governing short-term residential lease claims (**STRLC**) within the ADGM Courts' Real Property Division, as established under **Part 41 of the Court Procedure Rules 2016 (CPR)** and **Practice Direction 16 (PD 16)**. These bespoke provisions are designed to ensure swift, accessible, and efficient justice for disputes arising from residential tenancy agreements.

The Ultra-Expedited Objective and Scope

2. The Real Property Division splits claims into distinct tracks, with the procedures for STRLC being the most streamlined. The overarching objective for STRLC is the expeditious resolution of the dispute, with a target timeline of the case being resolved within two months of the claim form being issued [PD 16.39]. This ambitious timeline is enforced through significantly compressed procedural steps.
3. A "short-term residential lease" is strictly defined as a lease of real property for use as a residential dwelling with a term of less than 4 years [PD 16.1]. A "short-term residential lease claim" is any claim or dispute arising under or in relation to such a lease [PD 16.2].

Commencement a STRLC

4. A claimant must use Form CFI 1B to start proceedings [PD 16.3]. The claim form must [PD 16.4]:
 - a. Identify and attach a copy of the lease.
 - b. State the final orders sought.
 - c. Include particulars of the case, such as relevant facts, details of any alleged breach(es) and amount(s) claimed supported by calculations.
 - d. Attach a copy of every document referred to or relied on to prove any allegation contained in the claim form.
5. The claim form must also provide specific information for common residential tenancy disputes such as [PD 16.5]:

¹ This Guidance Note has been prepared to assist parties by providing an overview of the Real Property Division as it applies to short-term residential lease claims. The Guidance Note is summarial in nature. Parties must always consult the Rules and Practice Directions in any particular case.

- a. **Unpaid Rent:** the claim form must: (i) set out the amount of unpaid rent that is due; (ii) identify the relevant provisions in the lease that the claimant relies on; (iii) provide evidence of the defendant's default (such as a returned cheque notification from the bank); and (iv) attach copies of any relevant correspondence between the landlord and tenant.
 - b. **Repair and Maintenance Disputes:** the claim form must: (i) identify the items requiring repair or maintenance; (ii) identify the repair and maintenance obligations in the lease or the relevant sections in the Real Property Regulations 2024 that the claimant relies on; (iii) provide or attach evidence of the cost of remedying the breach; and (iv) attach copies of any relevant correspondence between the landlord and tenant.
 - c. **Security Deposit Return Disputes:** the claim form must: (i) provide or attach evidence of the security deposit lodged; (ii) provide details of the dispute concerning the return of the security deposit (including the amount of the security deposit retained by the landlord that is in dispute); (iii) identify the relevant clauses in the lease or the relevant sections in the Real Property Regulations 2024 that the claimant relies on; and (iv) attach copies of any relevant correspondence between the landlord and tenant.
 - d. **Disputes over Lease Renewals or Rent Increases:** the claim form must: (i) provide details of the dispute; (ii) identify the relevant clauses in the lease or the relevant sections in the Real Property Regulations 2024 that the claimant relies on; and (iii) attach copies of any relevant notice(s) or other correspondence between the landlord and tenant.
6. Practice Direction 16 also contains a dedicated section outlining specific requirements if certain real property orders are sought (see section VI below). The claimant is also required to attach to the claim form a copy of any document referred to or relied on to prove any allegation contained in the claim form [PD 16.4(f)]. The above requirements ensure the Court has all necessary information immediately, streamlining the process by avoiding subsequent directions for information or document production.

Service of Claim

7. The Registry will serve the claim form on every defendant who is to be served inside the United Arab Emirates. It is the claimant's responsibility to serve the claim form on every defendant who is to be served outside the United Arab Emirates [CPR 337, PD 16.7].

Accelerated Timetable and Pleadings

8. There is no requirement to file an acknowledgment of service in response to a STRLC. Instead, the defendant must proceed directly to filing a substantive response, and the deadlines are compressed:

Procedural Step	Short-Term Lease Claim Timeline	Relevant Source/Rule
Defendant Response (Admission, Defence, or Jurisdiction Dispute)	within 7 days of service of claim	CPR 338(2), PD 16.11
Claimant Reply to Defence	within 7 days of service of the defence	CPR 339(b), PD 16.21

9. The parties can agree to extend the period for answering a claim by up to 7 days, or a defendant can request an extension of up to 7 days from the Court [CPR 338(3)]. Any further extension requires an application to be made to the Court [CPR 338(4)].

Accelerated Procedures for Resolution of the Case

10. To meet the two-month case resolution objective, the case management process is deliberately truncated, focusing on rapid judicial intervention.

Disclosure Limitations

11. The disclosure rules mandate that each pleading must list and attach a copy of every document referred to or relied on to prove any allegation contained in the pleading [CPR 345(1)]. Any additional documents that a party seeks to rely on must be disclosed within 7 days of the close of pleadings or before the CMC, whichever is earlier [CPR 345(2), PD 16.52].

Expedited Case Management Conference (CMC)

12. The timeline for the CMC is highly condensed:
- a. Each party must file a Directions Questionnaire [Appendix A to PD 16] within 4 days after the close of pleadings [PD 16.40].
 - b. The Court will then convene a CMC within 10 days after the close of pleadings [PD 16.41].
13. A notable feature of the CMC is that its primary focus is on resolving the claim either at that stage or shortly thereafter, rather than merely setting down directions. At the CMC, the Court will discuss the case with the parties based on the documents filed and may determine whether it has sufficient information to decide the case by conducting a hearing right then (or shortly thereafter) or to decide the case on the papers. Parties therefore should be prepared to present their case at the CMC [PD 16.42 - 16.44].

Mediation

14. The parties are actively encouraged to consider court-annexed mediation for their case. Mediation can be conducted at any stage of the case. A mediation for a STRLC can be convened on an expedited basis as required [PD 16.45].

Witness Statements

15. The Court may make any orders for the filing of witness statements that it considers appropriate [PD 16.56].

Expert Evidence

16. No party may file expert evidence or call an expert without permission of the Court [CPR 346, PD 16.57]. Any request by a party to use expert evidence must be included in that party's Directions Questionnaire [PD 16.58].

Case Determination

17. The Court has the power to decide the case entirely on the papers without an oral hearing. This may occur if the parties agree, or if the Court considers it fair and appropriate in all of the circumstances [CPR 343, PD 16.59].

Bespoke Orders for a STRLC

18. The Court has wide discretion to grant specialised orders unique to short-term residential leases [Section O of PD 16]. These include:

- a. Order to terminate short-term residential lease (16.82 - 16.87)
- b. Order for possession (16.88 - 16.92)
- c. Relief against forfeiture (16.93 - 16.99)
- d. Writ of possession (16.100 - 16.109)

19. Section O of PD 16 establishes specific requirements that must be included in a claim form or application notice when a party seeks particular orders from the Court relating to a STRLC. Compliance ensures that the Court receives all necessary information. By providing these specific details and documents in the claim form or application notice, the Court is enabled to appropriately exercise its discretion, ensure the remedy sought is appropriate, and, if granted, issue a structured order that may include specific directions to give effect to the relief awarded. This is particularly important where a landlord seeks the eviction of a tenant from residential premises.

Other Matters***Representation***

20. Legal representation is not required for a STRLC. However, a party is free to engage a lawyer to represent them if they wish to do so [16.62 - 16.64].

Costs

21. Legal costs for a STRLC are fixed in accordance with Section B of Practice Direction 9.

Appeals

22. The appeal process for a STRLC is highly constrained, underscoring the finality and speed of the specialised resolution track. In summary [CPR 205, PD 16.110 - 16.116]:

- a. **Appeal Venue:** Appeals are not made to the Court of Appeal. Instead, appeals against a final judgment or order in an STRLC are made to the Commercial and Civil Division of the Court of First Instance.
- b. **Limitation to Law:** Appeals are strictly limited to a question of law.
- c. **No Appeal on Case Management:** No appeal may be brought against any case management or interim order made in relation to a STRLC.
- d. **Finality:** The decision made by a Judge in the Commercial and Civil Division on an appeal is final and cannot be further challenged.

Summary

23. The STRLC track provides parties with an exceptionally fast, specialised, and accessible judicial route for resolving residential lease disputes, prioritising rapid resolution within a targeted timeframe of two months. This recognises the importance to the parties of dealing with a STRLC in an expeditious manner utilising a standardised and easy-to-follow procedural framework.