

Landlords: Need to recover possession?



It's your property

Fast, professional and cost-effective support for possession proceedings.

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Possession proceedings and how we can help you.

If you are experiencing difficulties in recovering your property from a tenant, we can assist by applying to Court for a Possession Order.

Possession Proceedings – Section 8 Notice

You can serve a Notice on your tenant stating that you intend to obtain possession for various grounds including:

- **Occupation required by the landlord or a family member**
- **The rented property is intended to be sold**
- **The rented property is to be redeveloped**
- **There are rent arrears**
- **Nuisance, annoyance, illegal or immoral use of the property**

A claim to the County Court for a Possession Order can be made after the requisite period of notice, ranging from 4 weeks to 4 months.

This procedure will require a Court hearing and will take 12 to 24 weeks from the expiry of the Notice to obtain a Possession Order. Some grounds are mandatory so if you can prove they are satisfied, the Court must make the Possession Order. For example if there are three months' arrears at the date you serve the Notice and at the date of the Court hearing, the Court must make a Possession Order.

In the event that you are seeking occupation, the property is to be sold, or the property is to be redeveloped the Notice will give the tenants 4 months to vacate the property.

If there are some arrears (less than 3 months) or there have been consistent delays in paying the rent, then the Court has discretion on whether they make the Possession Order.

Our costs* in dealing with this matter to the first hearing are:

- **£350 to £500 plus VAT to prepare the Notice *subject to complexity.**
- **£2000 plus VAT to prepare the claim and attend initial Court hearing in non-contested proceedings (there would also be a Court fee of £404 to pay).**

If the matter became contested, a revised cost estimate will be provided.

In each case the Court typically orders the tenant to vacate 21 days after the date that the order is made. In some circumstances this period may be increased.

**If your matter becomes complicated or protracted, additional charges may be applied.*

If the tenant does not leave as required by the Order.

If the tenant does not leave the property in accordance with the Possession Order, you will need to instruct County Court bailiffs to evict the tenant. Our costs for carrying out this work are £250 plus VAT and there is a further Court fee of £148 to pay.

Please note that if your case is reliant on third party agencies to progress the matter, such as Courts, this may affect the time estimate given above. It is not always easy to predict how quickly third parties will deal with matters from time to time. If we are aware of delays or backlogs, we will do our best to advise you about these in advance and whether there are alternative options open to you. We will ensure that we chase third parties with reasonable frequency if there is a delay.

Other landlord services from Berry & Lamberts:

- Preparation of tenancy agreements
- Advice or collection of rent arrears
- Guidance on disrepair issues
- Assistance in dealing with nuisance/anti-social behaviour