



## Landlords...

...make sure your properties are working for you.

Settle any disputes with our fast, professional, cost-effective legal services.

Contact us on 01892 526344 or at [landlords@berryandlamberts.co.uk](mailto:landlords@berryandlamberts.co.uk)

[www.berryandlamberts.co.uk](http://www.berryandlamberts.co.uk)

We're right by you

## 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.

**There are two options:**

### **1. Accelerated Possession Procedure**

You can obtain possession by serving a Notice giving the tenant two months to vacate the property. If the tenant does not vacate then an application to the Court for a Possession Order can be made under the Accelerated Procedure. This is a paper-based exercise with no need for a hearing. If the Notice is properly drafted and served then there is no valid defence to this claim. It takes approximately six weeks from the expiry of the Notice to the date that the Possession Order is made.

**Our costs\* in carrying out this work are:**

- £250 plus VAT to prepare the Notice
- £1000 plus VAT to prepare the Court Application (there would also be a Court fee of £355 to pay).

### **2. Breach of Tenancy**

You can serve a Notice on your tenant stating that you intend to obtain possession following a breach of the Tenancy Agreement (including the non-payment of rent). A claim to the County Court for a Possession Order can usually be made two weeks after the service of this Notice. This procedure will require a Court hearing and will take four to eight weeks from the expiry of the Notice to obtain a Possession Order.

If you can prove that there are two months' arrears at the date you serve the Notice and at the date of the Court hearing, the Court must make a Possession Order. If there are some arrears (less than two months) or there have been consistent delays in paying the rent, then the Court may make a Possession Order. You can also rely on other grounds such as anti-social behaviour.

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

- £250 plus VAT to prepare the Notice
- £1500 plus VAT to prepare the claim and attend initial Court hearing (there would also be a Court fee of £355 to pay).

In each case the Court usually orders the tenant to leave 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 £130 to pay.



**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

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