

Assured Shorthold Tenancy Repossession: Fixed Fee Scheme



Mayo Wynne Baxter understands that being a landlord is not always easy. If disputes arise between you and your tenant or you simply need to regain possession of your property due to a change in circumstances, you need to be certain of the cost.

Based at our offices across Sussex, our team of experienced and specialist legal advisers provide effective, practical and timely advice to landlords and agents regardless of the number of properties owned or managed, from a single property to large portfolios. We have built up an excellent reputation for achieving results and believe that our proactive and cost-effective approach is key to protecting your interests.

To achieve that aim, we are pleased to offer a fixed fee scheme to recover possession of residential properties let under Assured Shorthold Tenancies where there are rent arrears or where the tenant is not at fault.

The scheme includes all work and court fees as detailed overleaf, from service of the appropriate Notice Seeking Possession to eviction if necessary. Additional work required which is not included in the scheme will be charged at the standard hourly rate of the legal adviser assisting.

All costs are exclusive of non-standard disbursements and VAT which will be added at the appropriate current rate.

Standard Fees

Acceptance of Instructions

£200

Acceptance into the fixed fee scheme is conditional on you providing copies of all relevant paperwork at the time of instruction:

- the Tenancy Agreement (plus extensions and/or renewals)
- deposit protection documentation including Prescribed Information given to the tenant
- the Energy Performance Certificate, Gas Safety Record and Government 'How to Rent' Guide given to the tenant
- confirmation that smoke alarms and carbon monoxide detectors are installed and were checked at the beginning of the tenancy
- an accurate and up to date Rent Statement (if rent arrears are being claimed)
- all correspondence or demands sent to the tenant regarding rent arrears and/or requests for possession of the property
- confirmation of Right to Rent Checks

Upon accepting your instructions, we will consider all documents, highlight any issues, serve the appropriate Notice Seeking Possession and notify you of any response from the tenant.

Issue of Proceedings

On expiry of the Notice, we will seek your instructions to issue possession proceedings. A Court fee of between £325 and £355[†] is payable before we can proceed. Once we are in receipt of your instructions and the issue fee, we will prepare and submit the proceedings to the Court via the Accelerated or Standard Procedure:

Accelerated Procedure

£150

This procedure can only be used for straightforward possession of your property on a 'no fault' basis following service of a Section 21 Notice and providing all legislative requirements have been met. The tenant will have 14 days after service of the proceedings to file a defence, failing which a 14-day Order for Possession and fixed costs can be requested.

Standard Procedure

£200

This procedure must be used if you are seeking an Order that the tenant pay rent arrears or if the Accelerated Procedure cannot be used. The Court will list a hearing date and allow the tenant 14 days after service of the proceedings to file a defence.

We will notify you when the Court confirms the proceedings have been issued and served on the tenant, together with the date by which the tenant may file a defence.

Obtaining Order for Possession

In the absence of a defence being filed by the tenant, we will seek your further instructions to request an Order for Possession and fixed costs (Accelerated Procedure) or to prepare and submit the necessary evidence for the Hearing (Standard Procedure).

Accelerated Procedure

£100

We will request a 14-day Order for Possession and fixed costs to be paid by the Tenant and forward a copy of the Order to you when received from the Court. We will also serve the Order on the tenant, requesting they vacate the property and pay your costs as ordered, failing which enforcement action will be taken.

Standard Procedure

£450

Approximately 14 days before the Hearing we will prepare evidence required by the Court;

- a witness statement on your behalf (sent to you for approval and signature);
- all relevant exhibits, e.g. Land Registry documents, an up to date Rent Statement (if applicable), etc.

Once approved and signed, your evidence will be filed at Court and a copy served on the tenant no later than 2 clear days before the Hearing*

A copy of the tenant's evidence will be sent to you if filed at Court and served upon us.

We will instruct an advocate to attend the Hearing on your behalf to seek a 14-day Order for Possession to include an Order that the tenant pays rent arrears claimed to the date vacant possession is given, plus your fixed costs (unless alternatively instructed).

Following the Hearing, we will advise you of the outcome or if the matter has been adjourned following a defence being filed at Court or upon new issues having been raised.

Enforcement Action

£150

If the tenant does not leave the property as ordered, we will arrange eviction by a County Court Bailiff. A Court fee of £121[†] is payable before we can proceed. Upon the Warrant of Possession being issued, we will advise you of the eviction date. You and/or your agent should attend with the Court Bailiff together with a locksmith (you will be responsible for the locksmith's cost).

† Fee correct at time of publication

* Mayo Wynne Baxter LLP will accept no responsibility for your failure to sign and return a signed witness statement in time

For further information on the scheme please contact Shelley Cole on 01273 775533 or by email at ast@mayowynnebaxter.co.uk

Offices at Brighton 01273 775533, Eastbourne 01323 730543, East Grinstead 01342 310600, Gatwick 0800 84 94 101, Lewes 01273 477071, Pulborough 01798 875358, Seaford 01323 891412 and Storrington 01903 743201.

The team is happy to discuss further discounts which may be available for multiple instructions and regular clients.

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