

5 reasons why you should use a solicitor to evict your tenant

It is becoming more common for landlords to try and cut costs by issuing their own county court possession proceedings in order to obtain a possession order to evict their tenants. It is also common for landlords to be unsuccessful where they are not familiar with the law or procedure. Ultimately, the procedure is made more expensive when Landlords then have to pay the court fee more than once, which only adds to the stress of trying to evict a tenant.

Hollie Deacon, highlights 5 reasons why you should consider instructing a solicitor to obtain a possession order:

1.

Notices

The notice seeking possession needs to be correctly drafted, served on the correct date and in the correct format. If the notice contains errors or there are errors with service, the court is likely to dismiss the claim.

2.

Notice Period

The correct notice period needs to be given to the tenant. This will be dependent on the ground(s) you are seeking possession on.

3.

Limitations

County court proceedings need to be issued within the relevant limitation period. The limitation period is determined based on the type of notice served on the tenant. If proceedings are not issued within the limitation period, you will need to serve a new notice on the tenant and wait for the notice to expire before you can issue proceedings again.

4.

Tenancy Deposit

A common reason that landlords are unsuccessful in obtaining possession orders is because they have not protected their tenant's deposit correctly and have not rectified this error before issuing proceedings.

5.

Documentation

Landlords are required by law to serve certain documents on tenants. This should be done when a new tenancy agreement is entered into. If the documentation has not been served on the tenant before the landlord serves notice, the court is likely to dismiss the claim.

Geoffrey Leaver Solicitors' Litigation team are experienced in handling residential possession proceedings. Contact Hollie Deacon on 01908 689373 or email hdeacon@geoffreyleaver.com for further advice on residential possession proceedings.

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