

# Residential Possession – Accelerated Eviction

Our fixed fee accelerated eviction service helps landlords regain possession of their properties.

## Accelerated Eviction – the fixed costs

Checking Tenancy Agreement/compliance with the Tenancy Deposit Regulations (and where appropriate Deregulation Act 2015 and completing Section 21 Notice)	£150
Drafting Claim Form and accompanying documentation and submitting to the court	£150
Requesting Possession Order	£50
Requesting County Court Bailiff's Warrant OR	£50
Requesting High Court Enforcement Writ	£75
Typical expenses: - Court fee on the issue of the claim - Transfer to High Court (if needed/permitted) - AND Bailiff's Licenced by the High Court fee OR - Requesting the County Court Bailiff's Warrant - Service of Section 21 Notice (preferably given to the tenant but must be delivered at the property address so the tenant will receive it)	£355 £60 £600 £110 £75

(Please note that all prices are estimated and are exclusive of VAT. Court fees do not attract VAT)

## Accelerated Eviction – the basics

To regain possession of a property where you are evicting an existing tenant without alleging that they have broken the terms of the tenancy:

- the tenancy must be an Assured Shorthold Tenancy (AST)
- if a deposit has been paid by the tenant(s), the landlord must have protected the deposit in accordance with the statutory requirements and served the prescribed information on the tenant
- in the case of an AST created on or after 1 October 2015 the landlord will have to have complied with the provisions of that act.

Assuming these requirements are met, the landlord can serve on the tenant(s) a notice compliant with Section 21 of the Housing Act 1988 and the Deregulations Act 2015 (where appropriate) with a minimum of two months notice which cannot expire earlier than the end date of any written Tenancy Agreement. (If there has never been a written Tenancy Agreement, the notice period is slightly different.)

After the expiry of the notice, the landlord may submit a claim to the court along with copies of:

- the original Tenancy Agreement and the latest Tenancy Agreement (if there is more than one)
- the Section 21 Notice
- proof of service of the Section 21 Notice
- proof of compliance with the Tenancy Deposit provisions
- proof that the property is licenced for use as a House in Multiple Occupation (if applicable).

Two weeks after the court has issued the claim and served the papers on the tenant, the landlord may make a written request to the court for a Possession Order. If the court accepts that the case is proved, the court will order the tenant to leave the property by a specified date. There will be no court hearing.

If the tenant fails to leave by the specified date, the landlord may issue a warrant for the County Court Bailiff to enforce the Order or if permitted may instruct a High Court Bailiff to transfer the case up to the High Court for a Writ to enforce the order.

**For more information visit [debenhamsottaway.co.uk/accelerated](http://debenhamsottaway.co.uk/accelerated) or email Simon Tucker at [st@debenhamsottaway.co.uk](mailto:st@debenhamsottaway.co.uk)**

Please note, if the tenant satisfies the court that there is a defence, the costs after this process are not limited to the costs detailed above.

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