

# Possession hearing

## Instruction terms based on section 8 application to court

Dear Sir/Madam,

Only the **legal owner of the property** who is named on the land registry title has authority to sign this document. You, the legal owner of the property, should read these terms and conditions carefully and sign each page where required. Insuring that all information supplied is correct as this will form the foundation of your claim.

You, the owner of the property, will be the claimant and not a third party. A copy of your land registry title will also be required for clarification.

The claimant must complete this instruction form before the matter can be processed and issued. Without your acceptance to these terms and conditions LegalforLandlords are unable to assist in the application.

The claimant should attend the hearing where applicable with the advocate to reduce the possibility of any adjournments. If you are unable to attend then your agent may attend on your behalf or the advocate may attend unaccompanied however a witness statement will be required and an additional cost will apply.

If the property is owned by a limited company you must supply LegalforLandlords with the registered office address and a director's name and address in order for the case to be issued.

LegalforLandlords are not solicitors and therefore are not on the court file as acting on your behalf. Instead we assist you in your claim and court documents may be sent directly to you the Claimant and not LegalforLandlords, therefore it is your responsibility to notify our process team of any changes, or updates to your case.

### Application & Processes

1. On receipt of a completed instruction form and all requested documentation, LegalforLandlords process department will assess your documents. We will contact you, or your agent, if necessary for further evidence in support of your claim.
2. A submission to court will only be made once our advisors are satisfied that the documentation is likely to lead to a successful application.
3. Once received your hearing date will be confirmed by email.
4. A witness statement will be drafted and sent to you, for approval and signature if you will not be able to attend the hearing in person. Should you notify LegalforLandlords of a change of attendee after 14 days of your court date being confirmed a charge will apply for a witness statement to be drafted. The cost of this will be £50 + VAT.
5. All relevant papers will be filed with the relevant court and served on the defendant in advance of the hearing.
6. Should you receive any information from the Court it is your responsibility to inform LegalforLandlords immediately and forward a copy of all documents to be reviewed. A defence and/or a counterclaim may be filed by the tenant prior to the hearing. On sight of such a document we will review the information and provide initial advice. Please note that if a reply to the defence or counterclaim, or a supplementary witness statement is considered necessary and you instruct us to draft, file and serve such documents a second fee will be sought as this service is not covered by the fixed fee policy.
7. Your hearing will be listed for 15 minutes and a qualified advocate will be instructed to appear on your behalf.
8. The week before your hearing you will be supplied with your advocates name and confirmation of what documents you will need to take to court with you. If you have any further questions regarding your hearing please feel free to call our Legal Team on 0344 567 4001.
9. LegalforLandlords will usually receive a brief of the hearing outcome the same day; however this may be the following morning for cases heard later in the day. A full report will be received by the office usually within 48 hours. You will receive an email to the email address supplied outlining the Judge's order.

Print Name

Signed

Date

I give consent for LegalforLandlords to contact me about their services

## Court Costs

The court will usually award fixed costs of £300 to £400. Your tenant will usually be asked to make this payment within 14 days.

If there is a shortfall between the amount awarded and your legal fees, we can assist you in a small claims application under a separate instruction.

## Refund Policy

We hope that you can appreciate that the majority of our costs are incurred upfront and based on preparing the file and court application. For this reason LegalforLandlords operate a strict refund policy.

If any application to court has been made then no refund will be issued.

If an application hasn't been served to court, a full refund minus an administration fee of £99+vat will be applied. This will be actioned within a 28 day period.

If your tenant leaves before a possession order is received, further advice should be sort from LegalforLandlords head office.

## Fixed Fee Policy Explained

The majority of the cases we prepare are undefended; however there are some cases whereby the Judge may adjourn the court hearing. This will usually be based on a defence that may be filed or to allow the defendant time to file a defence. If your case is adjourned, your file will be passed to our partner solicitors, who will be able to advise you further. This will not be covered by the fixed fee paid.

If additional information is supplied after your claim has been submitted to court, and requires the claim to be amended, then charges will apply.

## Unsuccessful Applications

The vast majority of the Claims we assist with are successful at the initial hearing. LegalforLandlords are unable to guarantee that an order for possession will be obtained and cannot take responsibility for the Judge's decision.

Your case may be adjourned for a further hearing or on the rare occasion the claim may be struck out. In these circumstances our legal team will contact you in order to discuss your options.

<b>Print Name</b>			
<b>Signed</b>		<b>Date</b>	

Please tick the relevant box, indicating which service you wish to proceed with

**Standard Procedure - £1254.00**

The procedure will usually be between 6 and 8 weeks from application, with a hearing date normally confirmed within 48 hours. Times do vary between courts.

This process is cost effective when you compare the amount of rent saved on an earlier hearing date.

**Our fee includes:**

- ✓ The processing of court papers to be filed online to the relevant county court and on the defendant
- ✓ The application for possession and a judgement for the arrears to be paid by tenant within 7 days.
- ✓ An application to request that the deposit to be returned direct to landlord, towards costs or outstanding rent. This will only be available when the deposit has been correctly registered
- ✓ A legal advocate to represent the claimant at the hearing
- ✓ An initial witness statement outlining the bases of the application
- ✓ If a defence is lodged we will review the documents and provide preliminary advice without further charge
- ✓ A Free Pre Court Letter to tenant chasing the arrears after vacant possession is gained
- ✓ An allocated case number immediately upon application on the court system
- ✓ Dedicated team to Handle the case
- ✓ A **Free 6 months Legal Cover\***

**Rent Protection Essential – Key Points;**

- ✓ Rent arrears covered up to £10,000 per incident
- ✓ Legal expenses covered up to £25,000 per incident
- ✓ No excess to pay
- ✓ Maximum 4 rental payments
- ✓ The policy can be transferred to new tenants

**Insurance Requirements**

- ✓ A *LegalforLandlords* Complete or Guarantor (with deed of guarantee) reference must be accepted
- ✓ A deposit equivalent of 1 months' rent must be taken in advance and registered correctly
- ✓ Rental Payments must be taken in advance and recorded
- ✓ The missing payment must be chased within the first 7 days of the due day
- ✓ Claims must be registered within 60 days of the missed payment
- ✓ The policy start date must be within 14 days of the tenancy start date
- ✓ A policy can be incepted after 14 days but within 90 days of a reference report
- ✓ All prices are subject to change without prior notice
- ✓ Tenants/Guarantors who are in receipt of universal credit do not qualify for rent protection

\*See T&C's on the *LegalforLandlords* website

Print Name			
Signed		Date	



## Platinum Procedure - £1314.00

The procedure will usually be between 4 and 6 weeks from application, with a hearing date normally confirmed within 48 hours. Times do vary between courts.

This process is cost effective when you compare the amount of rent saved on an earlier hearing date.

### Our fee includes:

- ✓ The processing of court papers to be filed online to the relevant county court and on the defendant
- ✓ The application for possession and a judgement for the arrears to be paid by tenant within 7 days.
- ✓ An application to request that the deposit to be returned direct to landlord, towards costs or outstanding rent. This will only be available when the deposit has been correctly registered
- ✓ A legal advocate to represent the claimant at the hearing
- ✓ An initial witness statement outlining the bases of the application
- ✓ If a defence is lodged we will review the documents and provide preliminary advice without further charge
- ✓ A Free Pre Court Letter to tenant chasing the arrears after vacant possession is gained
- ✓ An allocated case number immediately upon application on the court system
- ✓ **A dedicated case handler (courtesy call to client to explain the process and keep fully updated)**
- ✓ **A Free 12 months Legal Cover\***
- ✓ **Up to 2 free tenant references for you next tenants**
- ✓ **A Dedicated case handler for the tenant referencing when required**

### Rent Protection Essential – Key Points;

- ✓ Rent arrears covered up to £10,000 per incident
- ✓ Legal expenses covered up to £25,000 per incident
- ✓ No excess to pay
- ✓ Maximum 4 rental payments
- ✓ The policy can be transferred to new tenants

### Insurance Requirements

- ✓ A LegalforLandlords Complete or Guarantor (with deed of guarantee) reference must be accepted
- ✓ A deposit equivalent of 1 months' rent must be taken in advance and registered correctly
- ✓ Rental Payments must be taken in advance and recorded
- ✓ The missing payment must be chased within the first 7 days of the due day
- ✓ Claims must be registered within 60 days of the missed payment
- ✓ The policy start date must be within 14 days of the tenancy start date
- ✓ A policy can be incepted after 14 days but within 90 days of a reference report
- ✓ All prices are subject to change without prior notice
- ✓ Tenants/Guarantors who are in receipt of universal credit do not qualify for rent protection

\*See T&C's on the LegalforLandlords website

Print Name			
Signed		Date	

Please ensure you review the below carefully, ticking only the relevant boxes. The below information will be used for communication purposes and therefore must be correct at the time of completion.

- I am the legal owner of the below property and have read and agree to all of the instruction terms enclosed within this document.
- I understand the timescales involved in the process and that there may be a delay due to further clarification from the process team.
- I agree to the Fixed Fee and Refund policy. If there are serious defects we reserve the right to charge an admin fee based on the time spent before a refund can be processed.
- I understand the fixed fee only covers the above mentioned steps in relation to my paper based application and that further costs may apply if an additional hearing date is required.
- I understand I am the claimant and that the claim form will be signed electronically on my behalf.
- I will be attending court along with my Legal advocate
- I will not be attending court; however my agent/representative named..... will be attending on my behalf and is given authority to speak on my behalf
- I am content for the advocate to attend alone, and understand that this is against the advice given to me by LegalforLandlords.
- I have not been served with a local association improvement notice under section 11 and 12 of the housing act in relation to the property.

*\*Please write clear and complete ALL of the below in block capitals*

<b>Owner 1 Title</b>		<b>First Name</b>		<b>Surname</b>	
<b>Owner 2 Title</b>		<b>First Name</b>		<b>Surname</b>	
<b>Owner Landline No.</b>				<b>Mobile No.</b>	
<b>Owner Address</b>					
				<b>Postcode</b>	
<b>Owner email 1</b>					
<b>Owner email 2</b>					
<b>Tenant 1 Title</b>		<b>First Name</b>		<b>Surname</b>	
<b>Tenant 2 Title</b>		<b>First Name</b>		<b>Surname</b>	
<b>Tenant 3 Title</b>		<b>First Name</b>		<b>Surname</b>	
<b>Tenant 4 Title</b>		<b>First Name</b>		<b>Surname</b>	
<b>Tenanted Property Address</b>					
				<b>Postcode</b>	
<b>Print Name</b>					
<b>Signed</b>				<b>Date</b>	