

## **Assured Shorthold Tenancy Repossession: Fixed Fee Scheme**

This scheme is for undefended Assured Shorthold Tenancy (AST) repossessions for rent arrears under Section 8 of the Housing Act 1988 or mandatory possession under Section 21 of the Housing Act 1988.

### **Summary of Costs**

#### **Section 21 Possession Claims:-**

1. Acceptance of Instructions/Review documents	£ 300.00
2. Prepare and serve Notice Seeking Possession (per tenant)	£ 100.00*
3. Prepare and file Possession Claim and Evidence Bundle	£ 550.00
4. Request Possession Order	£ 60.00
5. Apply for Warrant	<u>£ 230.00</u>
6. Total excluding VAT and Court fees	£1,240.00

#### **Section 8 Possession Claims (Rent Arrears Only):-**

1. Acceptance of Instructions/Review documents	£ 300.00
2. Prepare and serve Notice Seeking Possession	£ 120.00
3. Issue Claim	£ 450.00
4. Prepare Witness Statement	£ 350.00
5. Prepare for and attend hearing	£ 400.00
6. Apply for Warrant	<u>£ 230.00</u>
7. Total excluding VAT and Court fees	£1,850.00

#### **Additional fixed costs which may apply:-**

1. Prepare and serve prescribed documents prior to notice	£ 150.00
2. Section 48 Notice	£ 75.00
3. Section 3 Notice	£ 100.00
4. Certificate of Service	£ 35.00

#### **Disbursements/Expenses**

1. Court fee to issue the claim	£ 391.00**
2. Warrant fee for Bailiff Appointment	£ 143.00**
3. Proof of Ownership	£ 7.00***
4. Solicitor Advocate to attend hearing (approx.)	£ 200.00***

\*\* The Court fee payable is subject to review from time to time. The fees stated within this leaflet are current as at the time of production.

\*\*\*these items are subject to VAT in addition to the stated cost.

**Registered Office:** 15 Hyde Gardens, Eastbourne, BN21 4PR **Website:** [www.sussexlegalconsultants.co.uk](http://www.sussexlegalconsultants.co.uk)

## **What the Fixed Fee Scheme covers...**

### **Acceptance of Instructions/Review of Documentation**

A condition of an instruction being accepted into the fixed fee scheme is that all relevant paperwork is provided at the outset and at the time of instruction. We will provide you with a checklist of the required documents upon receiving your enquiry.

Upon accepting an instruction we will immediately:

- check the paperwork
- highlight any issues or concerns and advise on required steps
- confirm whether legal costs and/or interest are recoverable from the tenant

### **Service of Notice Seeking Possession**

If a Notice Seeking Possession has not already been served by you or your agent, we will draft and serve a section 8 notice or section 21 notice as appropriate. We will diarise the relevant deadlines and contact you for instruction. We will notify you of any responses or communications received from your tenant.

\* Where the tenancy agreement provides for it, the cost of serving the Notice Seeking Possession by First Class Post or Recorded Delivery is included within the fixed costs. If service by hand delivery is required, and you require us to undertake this, additional costs on a time spent basis will be incurred at our standard hourly rates if the property is local, or where required, we will obtain a quote from a process server.

### **Issue of Possession Proceedings**

Prior to the expiration of the relevant Notice Seeking Possession we will draft and prepare the claim form and particulars of claim ready for issue. We will require payment of the current court issue fee before issuing the claim. Proceedings will be prepared (and costs incurred) but will not be issued until payment of the issue fee is received. Following the issue of proceedings, we will notify you of the hearing date upon receiving notification from the County Court.

For claims issued under the Section 21 accelerated procedure we will prepare and complete the claim form and accompanying evidence bundle.

### **Witness Evidence**

Where required, approximately 14 days before the hearing date we will prepare the necessary witness evidence required by the court to enable a possession order to be granted.

A witness statement incorporating the evidence will be sent to you at least 10 days before the hearing for your signature and return so that it can be filed and served at least 2 clear working days before the hearing.

Sussex Legal Consultants Limited will accept no responsibility for your failure to sign and return the witness statement and subsequent failure to serve evidence in time for the hearing.

### **Attending Court**

Where required, we will arrange for representation to attend the County Court hearing and seek a 14 days' possession order together with a money Judgment for any rent arrears claimed together with recoverable fixed legal costs unless alternative instructions are received.

If a defence is filed or new issues raised at Court we will attempt to contact you to take instruction and will as far as possible obtain the order as sought.

### **Take Enforcement Action**

If, at the date of possession, your tenant(s) have not vacated, we will issue a warrant for possession and liaise with the court bailiff regarding the possession date.

You will be required to pay the current Warrant fee to enable us to issue the request for a Warrant.

### **What the Fixed Fee Scheme does not cover...**

Where the tenant defends or disputes the claim, the fixed fee scheme will not apply and our costs in respect of defended claim would be incurred at our prevailing standard hourly rates at that time. When you instruct us under the fixed fee scheme, we will always provide an estimate of the likely fees of dealing with a defended action to you.

### **Contact Us**

For further information please contact Carolyn Stoneham or Steven Holt on 01323 722288, or by email to [enquiries@sussexlegalconsultants.co.uk](mailto:enquiries@sussexlegalconsultants.co.uk). We are happy to discuss further discounts which may be available for multiple instructions and regular clients and referrers.