

TAKING BACK CONTROL

WHEN TENANCIES GO WRONG

An Interview with Charles Anderson Eviction Management Services

Eviction Management Services is a professional tenant eviction company founded by landlords for landlords. The team possesses extensive knowledge on the law relating to residential property and securing property. Eviction Management Services pride themselves on their personal service, which they tailor to the needs of each individual. Unlike many of their competitors, this service will not ask for any money until it has reviewed your case, to both save you money and make sure they can successfully secure possession for you.

Corporate LiveWire has spoken to Charles Anderson, Director at Eviction Management Services, to find out more about what they do and why it's important for landlords to use services like theirs.



What are the most common reasons for landlords needing to get possession of their properties back?

Landlords come in all shapes and sizes; some have inherited a property, others are couples who rent their additional house after moving in with each other. There are also sophisticated portfolio landlords with properties of a variety of sizes and tenures.

Regardless of what kind of landlord they are, most will need to secure possession of their property, which to them may be a retirement nest egg or a strategic investment for more complex reasons. There are two common reasons for needing to evict a tenant to secure vacant possession; the first is to sell the property to realise capital and the second is simply because the tenant is not paying the rent. For the smaller landlord, non-payment of rent can be crippling and, despite all the 'landlord bashing' we hear, many smaller landlords are far from flush with money and can find themselves in dire financial straits due to defaulting tenants.

How do you help landlords secure possession in a timely and cost effective manner?

Taking possession of a property and conducting possession proceedings can be one of the most stressful things that a landlord can be involved with. Whilst filling in a few forms might seem straight forward, there is limited guidance in the public domain. Things



can very quickly go wrong when a claim is defended by a tenant or when the landlord has not adhered to the raft of regulations that has hit the private rented sector over the past few years.

At Eviction Management, we carry out a complementary review of a landlord's paperwork before we agree to serve notice or undertake possession proceedings. There are unfortunately dishonest operators out there who will take landlords fees regardless of whether the case is capable of being successful at court. However, our approach is to only accept a commission of an eviction case if it is capable of succeeding in court. If a case is likely to fail, we will tell the landlord why and what they should do to resolve the issue before coming back to us.

What are the biggest challenges facing landlords looking to evict a tenant?

Whilst some might not agree, it is far from a level playing field out there. Yes, there are bad landlords, but after working in the social housing sector for over 20 years and having been established as an eviction company for more than four years, I can honestly say that I have met very few bad landlords. In fact, I won't work with so called 'rogue' landlords because in my experience, the rogue landlords won't take advice.

The biggest challenge facing landlords who need to evict a tenant is the ever-changing legal and regulatory landscape, as well as the lack of consistency in county courts. Most county courts will have a duty adviser scheme providing free legal advice for any tenant facing eviction, but quite often the tenant will fail to file a defence, despite having had plenty of time to do so. However, having seen countless duty advisers in court, it is clear that



the same legal defences are trotted out almost in verbatim. Justifications such as 'the tenant did not receive the notice' and 'the property is suffering from serious disrepair' are used, despite the landlord not being given access to the property and being owed six months of unpaid rent!

That's not to say that sometimes the above statements are not true – however, more than 90% of adjournments are a result of defences put forward by duty advisers that subsequently fail. It is therefore surprising that a formal complaint has not been made to the Solicitors Regulation Authority about the conduct of some advisers, who seem to use dishonest tactics to delay proceedings.

As a result of this hostile environment for landlords, Eviction Management takes the view that every case is going to be defended. We anticipate what could happen in a client's specific circumstances, meaning we always have the perfect legal argument at the hearing.

How has changes to Section 21 notices changed the legal landscape?

If you are a private landlord or work in the property industry, you cannot fail to have heard about the government's intention to abolish Section 21 notices. Commonly called the "no fault" eviction notice, much has been misinterpreted about Section 21, particularly from the anti-landlord lobby.

The suggestion is that Section 21 is not used appropriately as landlords enjoy putting tenants on the streets without reason. However, the truth is that no landlord will evict a tenant without a valid reason; it's almost always because the tenant is not paying their rent or because the landlord needs to sell or move in. A Section 21 notice is for two months and possession proceedings can take up to six months, depending on where in the country you are and how busy the court is.

The threat to abolish Section 21 has worried a lot of landlords and resulted in a significant amount leaving the sector. This is accompanied by a range of other hostilities, such as increased stamp duty, a plethora of regulations, and "Section 24"; the decision to treat unincorporated private landlords differently to other businesses when it comes to being able to offset finance costs against profit.

The case of *Caridon Property Ltd v Monty Shooltz* at the beginning of 2018 alone has had

and will continue to have a massive impact on the private rented sector. If you cannot prove that you served a gas certificate on your tenant post-1 October 2015, then any Section 21 you serve is likely to fail. The same principal is likely to apply to the 'How to Rent Guide' and 'Energy Performance Certificate', though it hasn't been tested in that direction yet.

So, why is this so important? Well, if you are one of those landlords caught out by this and your tenant is not in serious rent arrears, you may never be able to get possession of your property. However, if your tenancy agreement has a clause in it that states that you may wish to seek possession in order to move back in, then that may well save you in this case. Nevertheless, the impact of abolishing Section 21 has the potential to send shockwaves through the sector, as landlords find that they have to sell but are prevented from doing so without selling to other investors at a much-reduced rate.



What advice would you give to a landlord experiencing difficulties with their tenants?

- Try to keep a channel of communication open – it will pay dividends in the long run
- Maintain accurate records and notes
- Save text messages, as these conversations can be used in court as evidence
- Always stay professional – don't lose your temper despite provocation
- Don't procrastinate when taking positive action
- If you don't know what you are doing – especially with serving notices or possession proceedings – find assistance instead of struggling by yourself
- Carry out inspections on a quarterly basis where possible
- Always get references and look into them
- Be prepared to say no to a prospective tenant if you have a bad feeling about them



Is there anything else you would like to add?

Eviction Management Services have been around since August 2015 and assisted more than 2,000 landlords in getting their properties back. In that time, due to our 'belt and braces' approach to eviction work, we have not lost a single case. That means if a case will not succeed due to a technical issue, we will let you know so an alternative solution

can be found. We operate on an honest and ethical basis and provide excellent value for money by securing possession via the best route possible.

**EVICTON
MANAGEMENT
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