



# Myerson Real Estate Litigation

Our guide to  
residential landlord disputes

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# Welcome

At Myerson, our Real Estate Litigation solicitors are experts in advising on all aspects of property disputes. We are the firm of choice for both landlord and tenants of commercial properties. We act as trusted advisers, resolving all aspects of property disputes and providing positive outcomes.

## Why Myerson?

We are proud to act on behalf of a wide range of clients, be they property owners, landlords or tenants in connection with commercial and residential property disputes.

Our specialist, dedicated team of property dispute solicitors have in-depth knowledge and a wealth of expertise in both bringing and defending complex and high-value matters.

We predominantly act for landlords, tenants, surveyors, developers, and property management companies across the UK. Whether you are a commercial or residential landlord or tenant, we offer high standards of professionalism and a wealth of experience, advising you with any dispute that arises.

As a firm, we are proud to be ranked as 'Top Tier' in the prestigious international directory **The Legal 500**, and commended by The Times '**Best Law Firms 2019**'. This means you can be certain that you will be receiving the highest quality legal advice and that we can advise you on complex real estate litigation issues.

You can find out more about our Real Estate Litigation Team by clicking [here](#).



# How We Work.

Every client and case is different, and we are here to support you every step of the way.

**Personal Partner-Led Service.** Our experienced solicitors get to know you and your matter inside out, so we can best advise you. We know that dealing with litigation can be stressful and we aim to take that stress away from you. We strive to become your trusted adviser, providing value and most of all, a genuine, personal service.

**The Highest Level Of Expertise.** Combining commerciality, practicality and legal expertise enables us to deal with real estate litigation matters in the most effective way.

**A Team You Can Trust.** We help clients nationwide with complex cases, acting for businesses who need help resolving real estate litigation matters. You can rest assured that our expert team knows its stuff!



# Your Solicitors



## Seán Hackett

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## Laura Pile

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The solicitors that will be working with you are specialists.

All of the solicitors in our real estate litigation team are specialists and have a detailed understanding of real estate law and procedures.

Your matter will be handled discreetly and efficiently, overseen by Seán Hackett and Laura Pile, Partners in our Real Estate Litigation Department.

Your team of solicitors will provide practical advice and work with you in order to deal with your real estate litigation matters in the best way possible. This means you can concentrate on what's important, running your business.

You can find out more about our Real Estate Litigation Team by clicking [here](#).



# Residential Landlord Disputes

We help landlords of residential properties make the most of their investment by providing commercial and practical advice in addition to the legal answer to the problem.

## Our Expertise

### Ending Residential Tenancies and Possession Proceedings

If you want to obtain possession of your property then we can advise you on the type of tenancy (such as a Rent Act Tenancy, Assured Tenancy or Assured Shorthold Tenancy) or licence that exists, and the appropriate notices that need to be served to terminate the tenancy.

If the tenant does not vacate, then we will prepare and issue the Court proceedings for you, guiding you through the process until you obtain an Order for Possession.

Once the Order for Possession has been received, we will advise you on the enforcement procedure and will instruct the bailiffs on your behalf to obtain possession of the property.

### Trespasser or Squatter Disputes

If you have trespassers on your property, then we recognise that you need to act promptly to evict them.

We can prepare the application to the Court for a Possession Order and all the witness evidence. We can then arrange for the claim to be served either by attaching copies of it at the property, posting the documents through the letterbox in a transparent envelope or placing stakes on the land and attaching the documents to the stakes.

We will then attend the hearing and deal with the enforcement of the Possession Order by instructing the bailiffs on your behalf.



## Breaches of Lease

If your tenant has breached the covenants contained in their lease, then there are a number of options you can take to enforce the covenants.

The landlord could apply to the Court for specific performance requiring the tenant to comply with the covenants and request an injunction and/or damage. Alternatively, the landlord may want to forfeit the lease. There are strict requirements if the landlord wants to forfeit a long lease of residential premises which are set out below.

We can advise you on all your options and guide you as to the best course of action for you, based on your circumstances and the outcome you want to achieve.

## Forfeiting a Lease

A forfeiture provision allows the landlord to end the lease before the lease expires because of the tenant's breach of covenant.

For residential premises, the landlord will normally have to go to Court to be able to forfeit the lease. Court proceedings must be used if the premises are occupied.

Notices must be served on the tenant before proceedings can be issued. If the landlord is seeking to forfeit the lease for non-payment of rent, service charge or administration charge, then the amount must exceed £350 or have been outstanding for more than three years.

In addition, the breach must have been admitted by the tenant or finally determined by the Tribunal or Court.

We can advise you and guide you through the whole process if you are considering forfeiting a long lease.

## Restrictive Covenants and Right of Way

Our experts can advise on any disputes relating to restrictive covenants or rights of way.

We can advise whether the restrictive covenants are enforceable and if so, apply to the Court for an injunction and or damages.

We can also advise on any disputes regarding rights of way, including any interference with your right or disputes concerning the repair and maintenance of a right of way.

## Service Charge Disputes

As a landlord, you must know what your obligations are in the lease. You need to know what services you are to provide and the process to recover the charges from the tenant.

You are not obliged to provide any service that is not expressly set out in the lease, and the tenant is not obliged to pay for anything that is not covered in the lease.

Once you have familiarised yourself with the contractual provision, then you need to ensure the service charge is correctly demanded and that you have complied with the statutory requirements. Failure to comply can invalidate the demand and may mean that the tenant can withhold payment.

If you are thinking about carrying out major works to the premises or entering into long-term agreements (over 12 months) for services, then you need to consider whether you need to consult with your tenants. If you fail to do this, then you will only be able to recover a small, limited sum from the tenant.

Even if you manage to comply with all the above, there is always a risk that a tenant will apply to the Tribunal for a determination that the service charges are unreasonable.

We can advise you on the contractual provisions, the statutory regime and the consultation process to ensure that you have all the procedures and processes in place. However, we can also defend any applications the tenants make to the Tribunal, for example, alleging that the service charge is unreasonable.


## Rent Arrears and Service Charge Recovery

If your tenant has failed to pay their rent or service charge, then we can take steps to recover it for you.

There are several options available including drawing down on a rent deposit, pursuing a guarantor, liaising with the mortgage company and issuing Court proceedings. We will advise you on your options and will discuss with you the most effective way to recover the arrears.

## Enforcing a Charge

If you have a charge against a residential property, then we can advise you on enforcing your rights under the charge including the right to sell the property or appoint a Receiver in the event of default.



# Don't just take our word for it...

*"Thank you once again for your work on our matter, the service we've received from Myerson has been second to none".*

*"The team at Myerson Solicitors is timely and very responsive".*

*"Thank you very much for all your efforts, the professional and efficient management of the case and the shrewd counselling we received from you in this matter".*

*"The team at Myerson are client-friendly and clear and incisive thinkers".*

*"Thank you for all your help and support in successfully resolving my case, which would not have been achieved without your assistance".*

*"The team at Myerson are excellent at every level with tremendous strength in depth".*

*"The members of the team are all exceptional – proactive, excellent communicators, engaging and consistently highly effective".*

*"The team are exceptional, dynamic and creative litigators with excellent communication skills, tenacity and a proven track record of success in the most complex and challenging of cases".*

*"The team are commercially astute, incisive, positive and assured".*

*"All levels of the team reflect the same high level of knowledge and expertise allowing no weak links in the chain, which in turn ensures that best interests are safeguarded".*

To view more Myerson reviews visit our Review Solicitors page by [clicking here](#).



# You're in safe hands!

If you would like further information about how we can help you with real estate disputes, or if you have any questions, please do not hesitate to contact a member of our team today.

**Call: 0161 941 4000**

**Click: [myerson.co.uk](http://myerson.co.uk)**

**Email: [lawyers@myerson.co.uk](mailto:lawyers@myerson.co.uk)**



Because  
life is rarely  
**black and  
white.**



myerson



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