

FACT SHEET

Warrant for Possession

KEY CONTACT



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A possession order does not give the landlord the right to enter the property if a tenant remains in occupation. If a landlord does enter the property before, on or after the date set in the possession order, the landlord will be committing a criminal offence and will also be liable to pay damages to the tenant.

The next step after the date set for possession has passed is to instruct a County Court bailiff or High Court enforcement officer to legally evict the tenants.

County Court Bailiff

The first step is to send a request for possession to the court. There is a court fee to pay. County Court bailiffs have a very high workload and will often have a backlog of evictions to deal with, which means that it may take some weeks or even a couple of months for them to carry out the eviction from the date the application is sent to the court. You will be given advance notice of the date and time of the eviction.

High Court Enforcement Officer

A High Court enforcement officer is usually able to carry out an eviction quicker than a County Court bailiff but the procedure is more expensive.

An application must first be made to either the County Court or the High Court for permission to transfer, and then an application is made to transfer the proceedings after permission has been granted. If there is a court hearing to decide whether possession should be granted after the service of a s.8 notice, then your

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representative can ask the judge for permission to transfer the claim for the purposes of enforcement.

Unlike the County Court bailiff, the High Court enforcement officer will charge their own fee, which vary and are considerably more than the County Court fee.

Locks

Whichever procedure is used, you should arrange to have the locks changed at the same time as the eviction and we therefore suggest that you contact a locksmith to arrange this once you have notice of the date and time of the eviction.

Dogs

If your tenant has a dog then you might like to consider instructing a dog handler to attend the property on the day of the eviction. If the dog appears to be aggressive, a bailiff might be unable to secure possession if nobody is available to handle the dog.

This fact sheet has been provided for information purposes only and should not be construed as legal advice. Whilst every effort has been made to ensure that the information in this fact sheet is correct (as at October 2021), it is intended as a guide only and should not be relied upon. Specialist legal advice should be sought so that all the factors specific to your circumstances can be taken into account.