

# Landlord's Guide to Recovery of Commercial Rent Arrears



Direct Bailiff Services Ltd

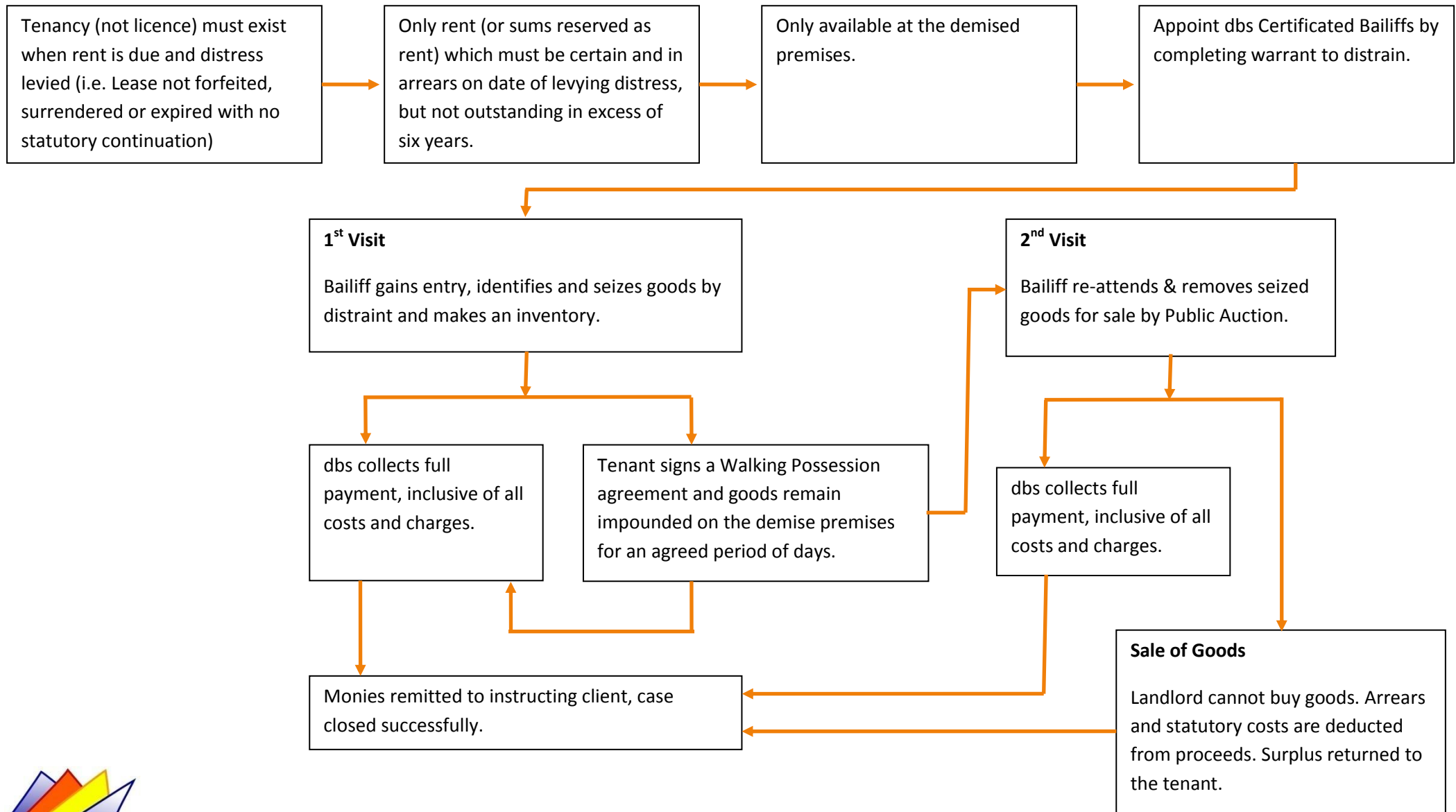
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*Below are links to the different sections of this document. In each topic you will find downloadable instruction forms.*

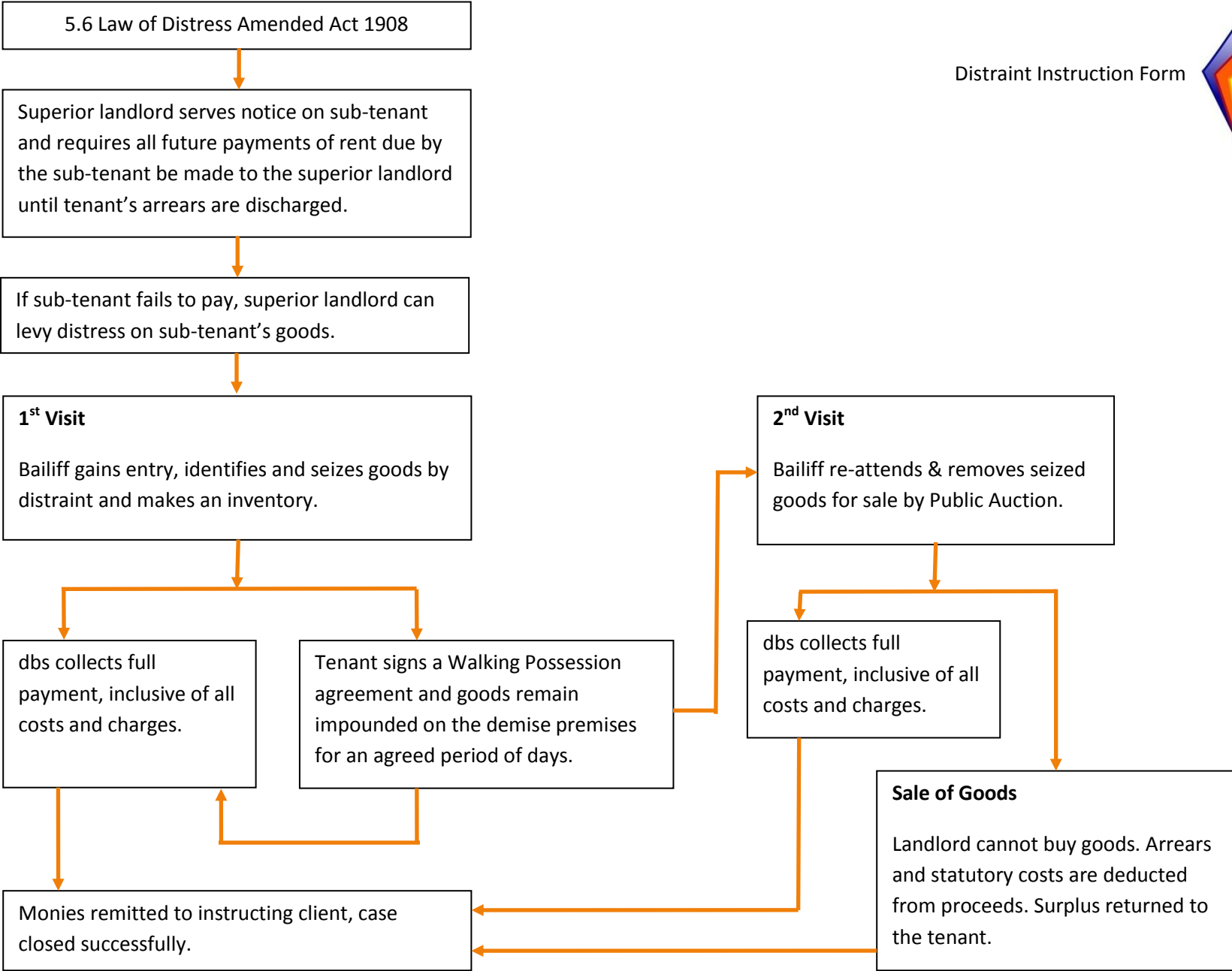
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# Distraint



Distraint Instruction Form

# Demand Rent from Sub-Tenant

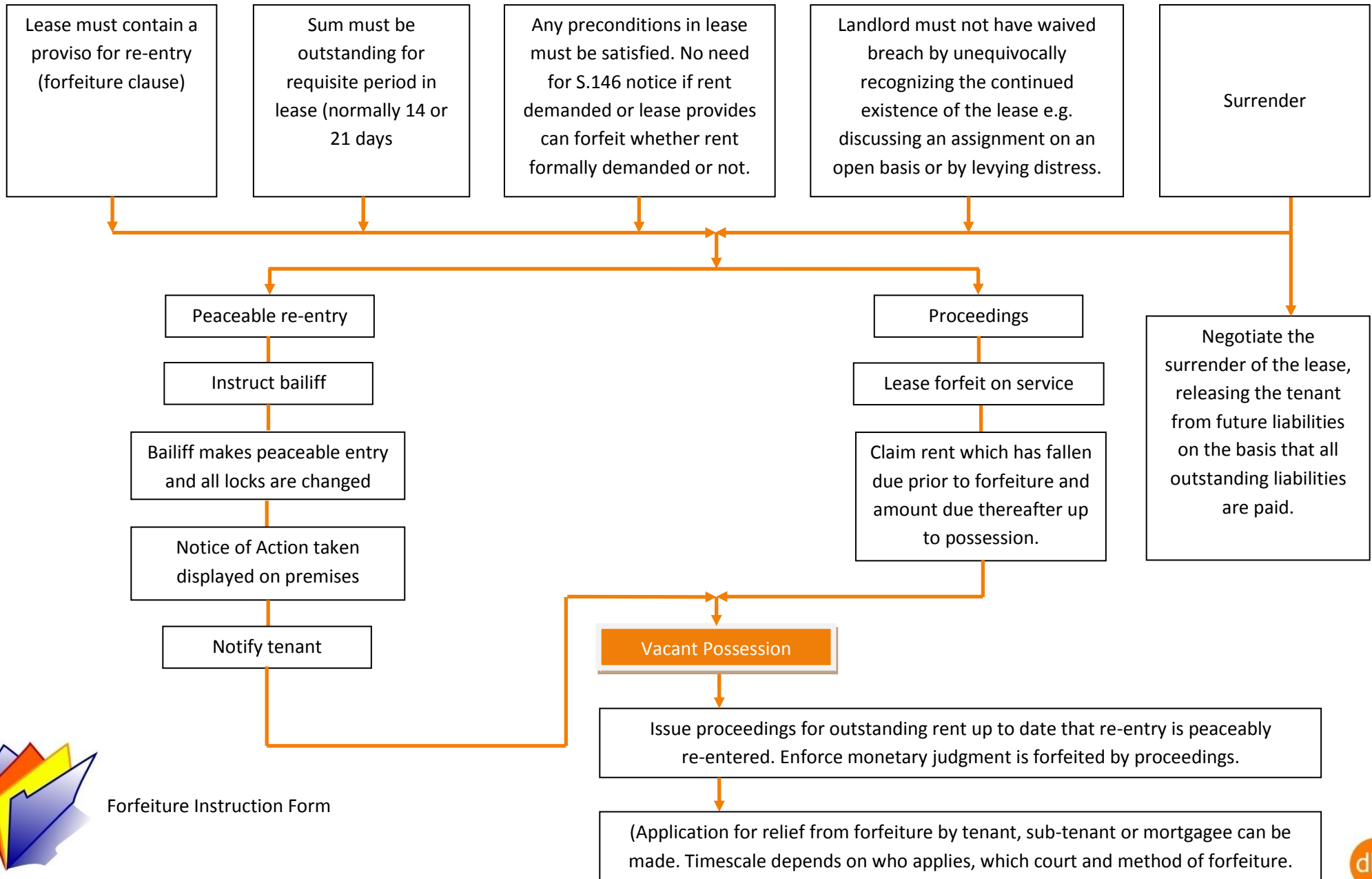


Distraint Instruction Form



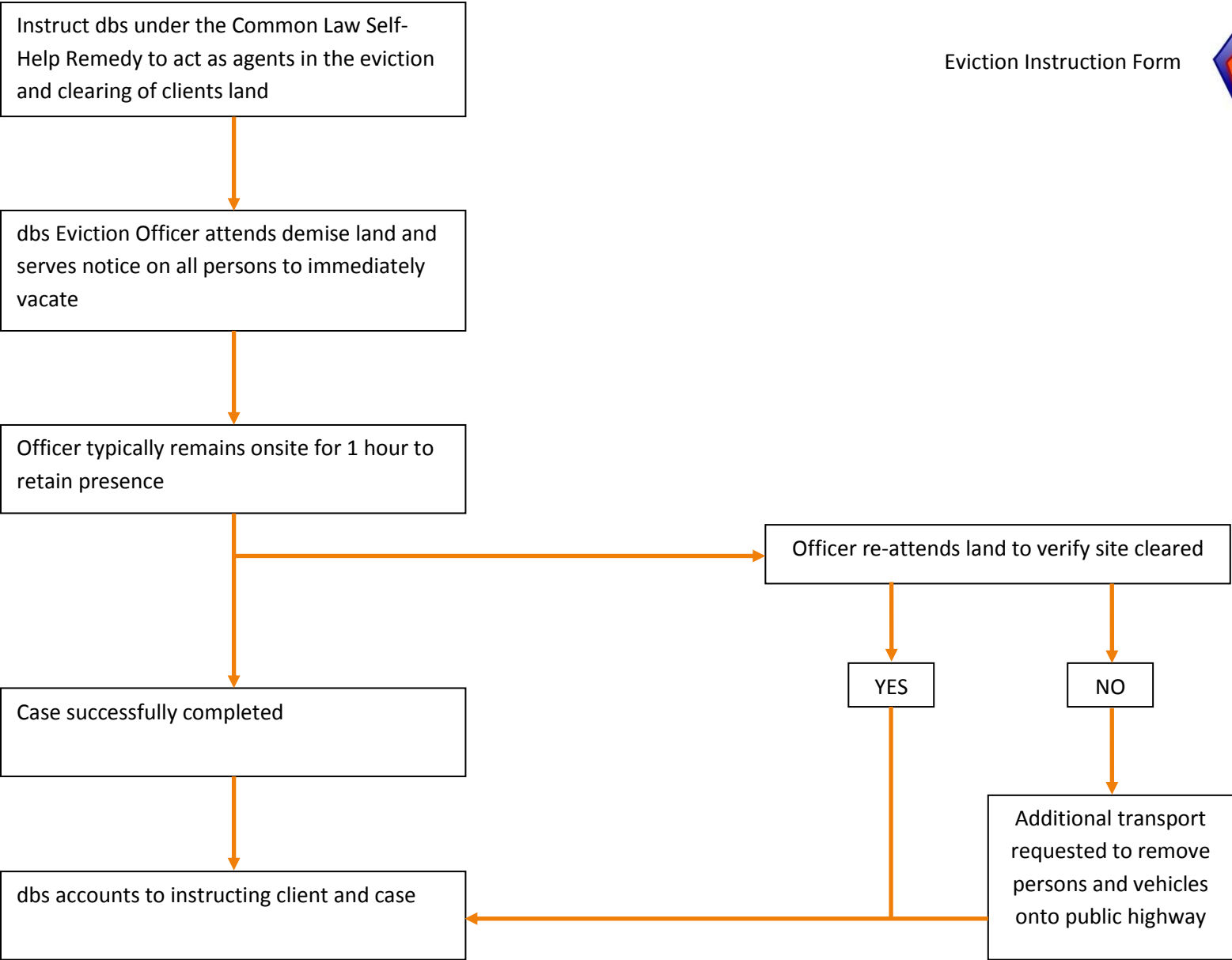
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# Forfeiture of Lease



Forfeiture Instruction Form

# Eviction-Removal Of Travelers

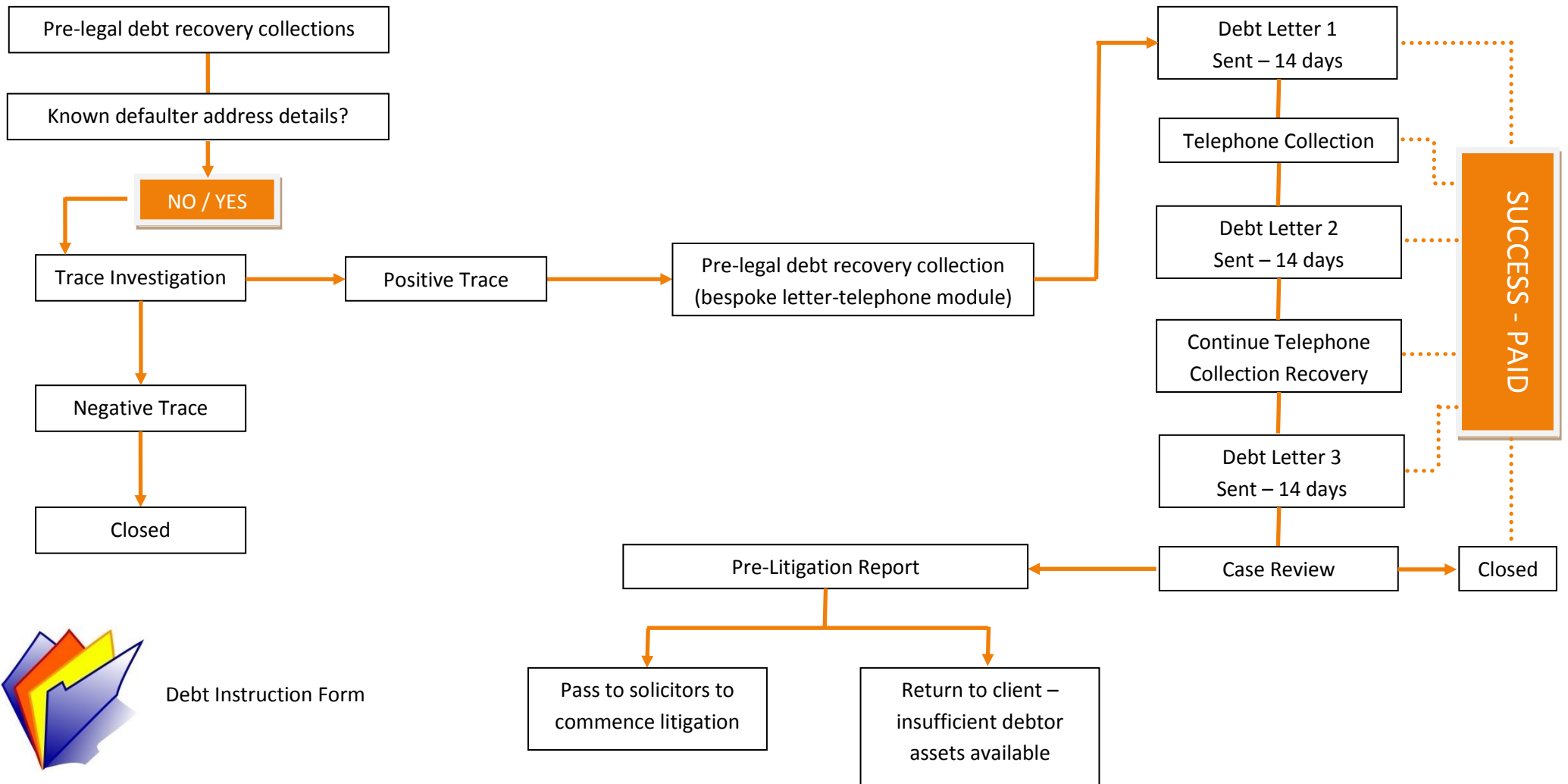


Eviction Instruction Form



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# Trace / Debt Recovery

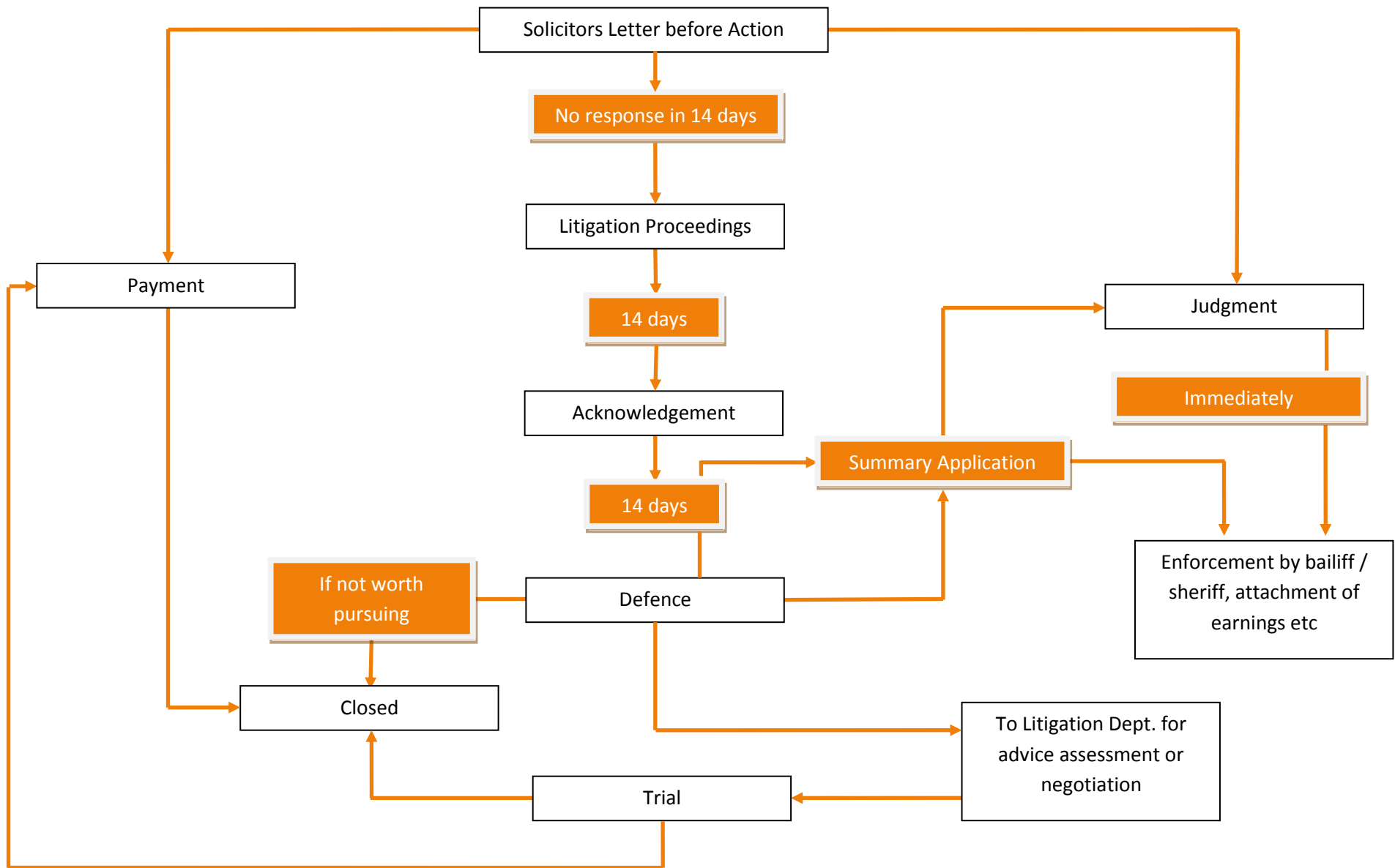


Debt Instruction Form



Trace Instruction Form

where experience counts



## 5 did you know about distress..?

- If a tenant gives notice to quit the premises at a particular time but does not, the tenant is liable for double rent for the period he stays in occupation.
- If a tenant clandestinely or fraudulently removes goods from the demise premises on which rent is in arrear with the intention of defeating distress, the landlord may seize the goods within 30 days.
- A bailiff can attend and distrain for rent arrears at a separate commercial property, providing the landlord is the same.
- A bailiff can peacefully force entry into a commercial property, without effecting forfeiture of lease; if the bailiff has been forcibly removed from the premises or the tenant is refusing access into the premises to enable distress to take place.
- A bailiff can commence a second distress for the same rent if there are exceptions to the general rule:
  - there are not sufficient goods on the property on the first occasion
  - on the first occasion the bailiff had reasonably mistaken the value of the goods seized; this is particularly appropriate where works of art and other objects of uncertain value are involved
  - the first distress was trespass and void

## Protective Distraints

Protective Distraints are commonly used for impounding goods on the demise premises for a set period of time. Effectively crystallizing the tenant and its assets and preventing any third party from commencing a recovery action against the businesses.



The distraint period is at your discretion and can often range from 14 days upwards. The action not only protects the landlord but also protects the tenant from any other potential enforcement proceedings.



The cost for a protective distraint is 80 pence per day + VAT and is a common tool used by commercial landlords against those tenants who want a longer term payment-plan.

## Pre-Bailiff Collections

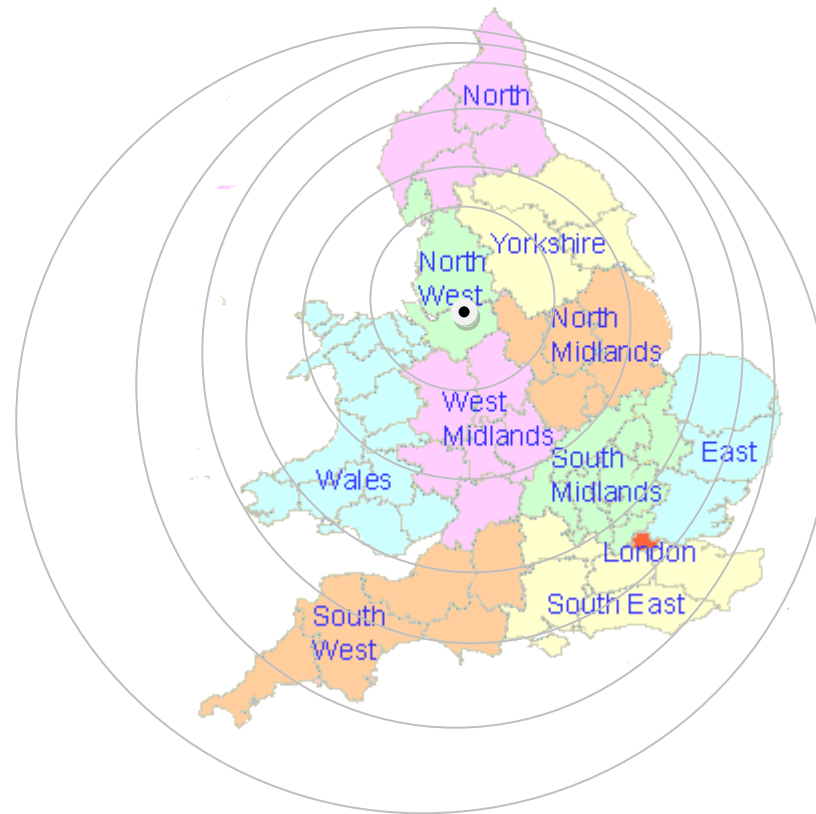
db's provides all its clients a pre-warrant rent collection service via its internal collection recovery team and its letter-and-telephone service.



Pre-Bailiff Collections is a bespoke service to meet the need and requirements of our individual clients. The service incorporates typically a two letter and telephone recovery cycle and is a proven recovery tool in securing payment-plans with tenants, who are unable to discharge the arrears in full.



The cost for db's pre-bailiff collections is £35 plus Vat and recovered from the tenant as part of the process.



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