



Recovering Commercial Rent Arrears

As certificated bailiffs, Equivo's Enforcement Officers are authorised under the Distress for Rent Act (1988) to collect rent arrears from commercial tenants.

Our powers enable us to seize and remove goods belonging to the defaulting tenant where payment of the outstanding rent is not made. Our fees are also payable by the tenant, making the service free to the client.

The process does not require a court order and can be used immediately upon the default of a tenant, making it a very quick method of recovery.

There are strict rules surrounding the procedure for levying distress and removing goods. We can only levy distress for collection of commercial rent arrears from the premises which are the subject of the lease. However, if the tenant has left the premises or has a residential lease, we may still be able to help you enforce a judgment in our capacity as High Court Enforcement Officers. Alternatively, if you would prefer to repossess the property, Equivo can help forfeit the lease and secure against re-entry by the tenant or trespassers.

Our Enforcement Officers operate throughout England and Wales and our comprehensive levels of coverage allow us to provide excellent response times. We can usually attend within 24 hours of receipt of instructions and will often be able to provide an immediate resolution.

What will you do once instructed?

Once instructed we will attend the premises and carry out a full inventory of the goods on site and make an assessment as to value. We will ask the tenant to make payment immediately and where possible we collect rent arrears and costs during our first attendance. If the tenant is unable to make payment and we consider it prudent, we will seek our client's advice on removal of goods. We may then proceed to remove.

If we enter into a walking possession agreement, we will explain the provisions of the agreement clearly to the tenant and will re-attend as necessary to collect the rent and costs by instalment.



We will generally have made a full collection within 7-10 days and can remove at any point after expiry of the walking possession agreement if the tenant fails to meet the obligations under the agreement.

How long will it take?

We will make an immediate first attendance following receipt of instructions. If we consider that there are sufficient goods on site to cover the outstanding rent and our costs we may look to seize and remove immediately, with our client's consent. However, in most cases we will grant a 'walking possession agreement', which enables the tenant to retain the goods seized on the premises on the understanding that payment is made in accordance with agreed terms.

Where we remove goods for sale, the items seized will be entered for auction and the proceeds will be paid over as soon as possible. Where we enter into a walking possession agreement we will endeavour to collect as much possible as soon as possible and we will generally be able to collect full payment with 7-10 days from date of instruction.

How much will it cost?

Our fees are payable by the tenant (rather than the landlord) and are calculated on a sliding scale, dependant on the arrears amount, in accordance with the Distress for Rent Rules (1988).

If we are required to remove goods and sell them at auction we will deduct our fees from the proceeds of sale. We will generally only remove where there are sufficient assets to discharge the outstanding rent arrears and our costs or where we consider that the tenant is likely to abscond or that the goods seized are otherwise at risk.

How do I instruct Equivo?

All you need to do is simply fill in our online form by clicking the link below. For any questions, you can contact our team on **020 7788 8484**. Or for more information, visit our website at www.equivo.com.

Allied Services

You may wish to consider forfeiting the lease as an alternative to seizing the tenant's goods. This option is sometimes preferred where the tenant has a poor payment history or where the landlord has a new tenant ready to take over the premises. Please see our free guide entitled 'Evicting Commercial Tenants' for further information.

INSTRUCT US