

**BVA**

**BANA VAID & ASSOCIATES**  
— SOLICITORS —

# Litigation



**What Makes us Different Makes us Better**

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# GUIDE TO CLIENTS ON LITIGATION

## LITIGATION MATTERS

When a dispute arises between two parties then these parties must decide the best way to resolve the dispute.

We can help you to make the right decision which can be financially beneficial to you and in some cases to retain an amicable relationship with the other party.

### What is Litigation?

Litigation covers the process of pursuing or defending a claim in Court. Parties have to follow a series of steps that may lead to a Court trial and ultimately an outcome to the dispute. The participants in these proceedings are respectively referred to as the Claimant and Defendant.

We are qualified to deal with a wide range of disputes.

### Landlord and Tenant

Landlord and Tenant relationships are one of the most important as someone's home or livelihood is involved. Therefore this relationship must be kept fair and professional at all times. The Landlord and Tenant Act outline the rights and duties for both parties. It is important that as the Landlord you understand the extent of your rights in certain situations. Alternatively as the Tenant you must understand how to protect your rights before a dispute arises.

The following issues may arise :-

- Notice periods required by either party for vacating the property
- Behaviour
- Health and Safety

We deal with the following :-

- Possession Actions
- Disrepair
- Nuisance
- Rent Arrear Recovery
- Business Lease Renewals
- Dilapidation Claims
- Peaceable Re-Entry
- Breach of Covenant

### Debt Recovery

We aim to provide an efficient and simple procedure for debt recovery. We aim to make the process as easy as possible for you.

We can assist in recovering or defending claims of debt. We provide sound advice that is tailored to your requirements. We aim to resolve disputes amicably through negotiation and correspondences. However it is sometimes inevitable that legal action is required to resolve these disputes.

We dealing with the following :-

- Business debt recovery
- Personal debt recovery
- Enforcement of judgement

### Boundary Disputes

Boundary disputes with neighbours can arise at any time and you may feel that your land has been wrongfully allocated on your neighbour's side of the fence. Alternatively, you may want to defend an action against a claim.

The primary evidence of ownership of boundaries can be found in legal documents, which is often conclusive. However over time, boundaries can differ from those described in the Title Deeds or Lease. The most common are where they have been changed by agreement or by encroachment (occupation without permission). If this is not the case then you will require legal advice and possible Court action for recovery of any land, or repositioning of any boundary line.

## **Professional Negligence**

Professional negligence is the general rules on negligence which covers professionals who represent themselves as having more than average skills and abilities. The usual rules rely on establishing that a duty of care that is owed and that there has been a breach of that duty. You maybe entitled to a claim if you have suffered a loss as a result of professional negligence.

The standard test of breach is whether there is a match with the abilities of a reasonable person. But, by virtue of the services they offer and supply, professional people hold themselves out as having over and above average abilities. We can assist you settling claims whether you are a professional defending a claim or making a claim.

## **Contractual Claims**

Unexpected situations arise every day that create contractual problems that were not foreseen when a document was written. When a contractual claim is raised, the impact can have a damaging and debilitating effect on business. Work may be delayed by several weeks or months, unpaid invoices can devastate cash flow, and endless management hours are spent pulling together information, not to mention the stress on the individuals concerned. Please contact us if you are experiencing difficulties. We will examine all documents to determine the causes and effects of the breakdown and immediately advise you whether there is a legal and contractual basis for your claim. Litigation is not inevitable, but where it is unavoidable, we can help.

## **Arbitration and Mediation**

Litigation should be the last resort. Mediation is a non-binding form of dispute resolution that works well for minor disputes. The mediator engages in shuttle diplomacy to formulate a solution that is acceptable to both sides. If the mediator fails to find a common ground, the dispute moves back to the litigation track. As a result, it works well if you have a minor dispute. It doesn't work well if your dispute is complex or if the other party is unreasonable.

Arbitration is a binding form of dispute resolution. It permits parties to submit their dispute to an independent third party who functions much like a Judge. The arbitrator listens to the facts and then renders a judgment. The arbitration is conducted much like a trial, and is as conducive as reaching a reasonable business compromise to a business dispute.

## **How we can help you?**

We deal with a wide range of litigious subject matters as a matter of course and have expertises in these areas of law. Please be aware that Court trials are not inevitable and we will deal with your dispute as efficiently and sensitively as possible.

If you would like any further information or advice relating to Dispute Resolution, please feel free to telephone our offices in Hillingdon to make an appointment to discuss the matter further.