

INSOLVENT TENANT CHART (options available to landlords)

		Insolvency Type											
		IVA - During Moratorium 14 days	IVA - After Moratorium when IVA approved by creditors	Post IVA new debt	Bankruptcy	CVA - During moratorium small companies only (28 days)	During CVA approved by creditors (all companies)	Post CVA new debt	Administrative / law of property act receivership	Administration	Members /Creditors or voluntary liquidation	Compulsory liquidation	
Type of action available	Peaceable re-entry	Not without the leave of the court	Yes, but exceptions	Yes	Yes	Not without the leave of the court	Yes, but exceptions	Yes	Yes	Not without the administrators consent or the leave of the court	Yes, but liquidator can apply under s.112 IA 1986	Not without the liquidator's consent or the leave of the court	
	CRAR	Not without the leave of the court	No	Yes	Yes for the 6 months rent due before the bankruptcy order only	Not without the leave of the court	No	Yes	Yes	Not without the administrators consent or the leave of the court	Yes	Not without the administrators consent or the leave of the court	
	Pursuit of guarantors and/or previous tenants	Yes for the whole of the arrears	Yes for the whole of the arrears	Yes for the whole of the arrears	Yes for the whole of the arrears	Yes for the whole of the arrears	Yes for the whole of the arrears	Yes for the whole of the arrears	Yes for the whole of the rent	Yes for the whole amount of the debt	Yes for the whole amount of the debt	Yes for the whole amount of the debt	
	S6 Notice on sub tenants or s81 under the New Act	Yes for the amount of the sub-rent	Yes for the amount of the sub-rent	Yes for the amount of the sub-rent	Yes for the amount of the sub-rent	Yes for the amount of the sub-rent	Yes for the amount of the sub-rent	Yes for the amount of the sub-rent	Yes for the amount of the sub-rent	Yes for the amount of the sub-rent	Yes for the amount of the sub-rent	Yes for the amount of the sub-rent	
	Removal of funds from rent deposit (may depend on nature of deposit)	Not without the leave of the court	Yes	Yes	Yes	Not without the leave of the court	Yes	Yes	Yes	Not without the administrators consent or the leave of the court	Yes	Not without the leave of Court	
	Can the lease be disclaimed by the insolvency practitioner	No	No	No	Yes	No	No	No	No	No	No	Yes	Yes