



Assessment of Compliance of Property Owners/Agents with Procedural Eviction Requirements in the Osogbo Property Market, Nigeria

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ABSTRACT

Evicting tenants is a common occurrence in the property market due to the recalcitrance of some tenants, which necessitates the termination of their tenancies. This phenomenon is global, occurring in both developed and less developed countries. The central emphasis of this study is to assess the compliance of property owners/agent with procedural eviction requirements in Osogbo property market, Osogbo, Nigeria. The study employed both descriptive and inferential statistics to analyse the compliance of property owners/agent with procedural eviction requirements. Primary data for this study were obtained from the 25 registered Estate Surveying and Valuation firm within Osogbo metropolis through a self-administered questionnaire. Results showed that property owner/agents have total compliance with procedural eviction requirements such as establishing the reason for eviction, issuing adequate quit notice to the tenant, filing a case in court and seven days' notice of the owner's intention to go to court resolution. Similarly, the respondents have low compliance with waiting period, service of court processes, tenant's right to defense and possibility of settlement. The study also revealed that the major challenges encountered by property owners/agent towards the implementation of procedural eviction requirements are poorly drafted laws and regulations on procedural eviction requirements, refusal to pay for services rendered by estate firms and lengthy wait times for recovering of possession. The study recommends that the real estate stakeholders should establish procedural eviction requirement guidelines and standards to ensure consistency and professionalism in eviction process. The study provides a basis for procedural eviction requirements in order to provide guidance for policy makers, property owners, property managers and tenants.

Keywords: Eviction, eviction compliance, eviction procedural requirements, property market, Osogbo.

Introduction

It is widely agreed in literature that shelter is a basic necessity for humans. There exist two primary approaches to satisfy this fundamental requirement, namely, by renting from a third-party or by occupying one's own property (Dabara, Okunola, Odewande, & Okorie, 2012; Olatundun, Ayinde, AbdulRaheem & Oladeji, 2024). Renting an apartment is a common choice for those who relocate to cities in pursuit of employment or "greener pastures," as most developing countries see a constant rural-urban migration. Furthermore, the substantial financial investment needed for real estate development has prevented many people from being able to afford to acquire a home, and are left with the option of satisfying their housing needs through renting (Olatundun & Bello, 2023). In view of the foregoing, both the landlord and tenant classes of urban dwellers have arisen. Under this arrangement, the landlord receives a payment, known as rent, from the tenant for the use of their housing units (Francis, 2011).

Mondel (2001) noted that since a significant proportion of urban residents live in rental apartments, the importance of rental housing in the real estate sector cannot be overstated. The private sector has been found to supply the majority of rental homes available worldwide. Research work conducted in Denmark, Germany, France, and Switzerland showed that roughly 80% of all housing stock is rented out by corporate organisations such as real property firms, pension managers, and insurance underwriters. It has been observed in Canada that "the supply of rental housing has always been important to small investors." Furthermore, it has been observed that small-scale landlords in Russia are providing a growing number of rental housing units (Mondel, 2001; UN-HABITAT, 2006). However, it has been noted that most tenants in emerging nations default on their recurring rent payments after the initial rent is paid (Who noted it? Specify). This was supported by the study of Olatundun & Bello (2023) that rental delinquency is prevalent among residential tenants in the Osogbo property market in Nigeria which is a breach of tenancy agreement. Akogun & Ojo (2013) noted that tenant's inability to fulfill rental obligation in a property typically leads to tenant's eviction. Regrettably, professionals in the built environment frequently discusses issues of rental housing with minimal allusion to procedural eviction requirements which is an essential component of the property market in Nigeria. In actual fact, most property owners and property agent evict tenant without any clause. Property owner/agents seeking to terminate a tenancy and reclaim their property from a tenant are required to follow lawful procedures and due diligence to achieve their objective. Moneke (2009) noted that many individuals, including tenants, landlords, and property managers, have experienced significant financial losses due to not following proper eviction procedures during the process of ejecting a tenant. The central emphasis of this study is to assess the compliance of property owners/agent with procedural eviction requirements and

the challenges encountered by property owners/agent towards the implementation of the procedural eviction requirements in the Osogbo property market, Nigeria.

Literature Review

Eviction generally refers to the process of legally forcing someone to leave a property, usually due to specific reasons. Friedman, Harris and Lindeman (1997) noted that professionally, eviction is initiated by a property owner (landlord) to take-over the possession of his property from the occupier (tenant) through a legal proceeding. In the terms of lease agreement, both the property owners (lessor) and users (lessee) have certain duties to uphold. Eviction may be necessary in any situation where there is a dispute between the tenant and landlord due to a violation of the terms of the lease, particularly if other means of settlement are not feasible (Ojo, 2007). According to Taribo (2011) eviction connotes the process of forcibly removing a tenant from rental apartment. It is often used in conjunction with a number of related phrases, including dislocation, ejection, relocation, recovery from premises, and displacement. In addition, tenant evictions can have a variety of reasons, but they typically result from the landlord reacting to the tenant's disruptive lease violations. Ibrahim and Olatoye (2013) further described eviction as a practice of removing a person or people from their home(s) against their will. In other words, eviction is primarily the expulsion of someone from the property they currently occupied, indefinitely and for a specified reason. In the opinion of the Texas Low Income Housing Information Service (2006), eviction is "a lawsuit brought by a landlord to have tenants removed from the landlord's property. The lawsuit is also known as "forcible entry and detainer" or "forcible detainer" cases in Texas law. Texas justice courts, often known as justice of the peace or J. P. courts, receive hundreds of cases each day. In British Columbia, Canada, Australia, tenant eviction refers to the expulsion of an erring tenant from rental accommodation by a public safety officer. It is also referred to as "unlawful detainer," "summary possession," or "forcible detainer" in some regions/countries.

In Nigeria, an eviction proceeding must be supported by reasonable cause in order to be in the landlord's favour (Lagos State Government, 2011, & Nigeria Property Centre, 2012). RHOL (2006) posited that eviction can either be actual, constructive, partial, or retaliatory in nature. Eviction is said to actual when someone is ejected from the property either forcefully or through legal actions. Legal eviction is the term used when it occurs through legal channels (Aaron, 2003). In the event that the tenant ignores the notice, it is necessary to serve a valid notice demanding them to leave the residence within a certain amount of time. Constructive eviction occurs when the property is physically unfit to serve the purpose for which it was rented due to the landlord's negligence. Tenants who has been evicted repeatedly may have various legal options available. The tenant might have the power to end the lease, impose a constructive eviction, and release himself from further rent payment obligations (Burke & Snoe, 2008). An eviction is partial if a situation arises where a tenant is unable to access a segment of the property, for instance, when a significant modification becomes necessary on one side of the structure, the landlord and tenant may come to a mutual agreement for a partial eviction from the property due to the inconvenience caused by the work. When a tenant is deprived of a portion of the property, such as when a significant modification to one side of the structure is needed, the landlord and tenant may agree to a partial eviction from the property due to the inconvenience the work will bring. Rent for the tenant will be adjusted accordingly. Aaron (2003) and RHOL (2006) also noted that retaliatory eviction happens when the landlord evicts the tenant in retaliation for certain (legal) action done by the tenant. If the tenant shows evidence that the eviction is being carried out in retaliation, the court may dismiss the case.

Momah (2011) stated that landlords must follow proper legal processes and exercise due diligence if they want to end a tenancy and take back ownership of their property from a tenant for any reason. Brzowski (2008) studied the criteria for tenant selection and found that landlords must follow a specific procedure to evict a tenant properly. This means that a landlord or agent must follow the correct eviction processes to remove the tenant and their belongings from the rental property. There are four steps to follow which include the provision of adequate written notice to the tenant to end the tenancy in accordance with the statutory eviction procedures, filing a lawsuit for the eviction of the tenant if they do not move or correct the gross violations after been served with a termination notice, ascertaining the valid reasons (non-payment of rent, recurring violations of estate rules, or the breach of lease terms) for evicting the tenant, and understanding that the tenant may defend themselves against the eviction lawsuit which may elongate the eviction process.

Moneke (2009) conducted a study on landlord and tenant rights, right to shelter, and tenants' statutory protection. The study noted that tenants can only be evicted on legitimate grounds after making an application to a rent tribunal or a court of competent jurisdiction. Statutory tenants can take a legal action against the landlord for trespass to land because they are in the same situation as if the tenancy is on course. The grounds for eviction are rent failure for the period of three (3) months or more, the tenant has violated the terms and conditions of the tenancy agreement, the tenant has given notice of their intention to leave, which caused the landlord to enter into a contract to sell or lease the property, or the landlord has taken other actions that may put them in a difficult situation if they could not obtain possession.

Kenna, Benjaminsen, Busch, and Nasarre (2016) conducted a study on promoting the protection of the right to housing. They found that typically, two weeks after the rent is due, the landlord contacts the tenant to remind them. If the rent is not paid by the time the following month's rent is due, a notice to quit is delivered. In Europe, the shortest term allows for notice to be given to vacate as soon as one week after the rent is due. For instance, it is two weeks in Greece, one month in the privately rented sector in the United Kingdom, and two months in social housing. In France, housing benefit payments are made to the landlord every three months. Following the tenant's receipt of the termination notice, a three-week (3)"regaining period" during which the tenant may reclaim their right to tenancy by making good on their debt is in effect. Many nations have similar arrangements, but they differ greatly in terms of the length of the recovering periods. In Germany, the term was recently extended from one to two months following the start of court proceedings, while Denmark recently increased the period from three days to two weeks.

Dabara, Ojo, and Okorie (2012) conducted a study on the extent to which a rental agreement safeguards both the landlords and tenants in the contractual tenancy relationship. According to the study, the tenancy agreement in Nigeria only provides paper protection for the parties involved in the rental housing industry. This is because most of the rental agreements between tenants and landlords in Nigeria are informal in nature, concluded not within the regulatory framework of government or formal legal system. Going to court to resolve landlord-tenant disputes is incredibly impractical due to the informality and lack of official paperwork. Disobedience has been more prevalent than compliance with Nigeria's rent control and recovery of premises regulations for many years. Therefore, it might be challenging to reclaim the rental amount even in cases where the renter defaults on their rent payment duty.

The Study Area

Osogbo is positioned on 7°46'1" latitude to the north of the equator and on 4°33'1" longitude to the east of the Greenwich Meridian. There are two local governments in Osogbo which comprises Osogbo and Olorunda, with their administrative offices located at Oke-Baale and Igbonna, respectively. In 1991, Osogbo became both the economic and administrative capital of Osun State and currently has a population of approximately 500,000 (citation). The city covers a land area approximately 2875 km². The town has grown spatially since its creation, displaying the characteristics of a typical traditional Yoruba town. The morphology of Osogbo comprises three distinct zones of spatial development. The center, which includes the palace of the Oba and the traditional market known as Oja-Oba, is surrounded by a significant number of residential and commercial buildings. The intermediate zone, which is next to the core region, contains a densely populated residential development, while the outside section is a recently constructed residential neighbourhood. The Osogbo property market comprises three main categories: industrial sub-property market which comprises the heavy and light manufacturing industries; the commercial sub-property market which comprises the offices, lock-up shops and open spaces, warehouses, etc.; and the residential sub-property market which comprises tenements, blocks of flats, duplexes, maisonettes, bungalows, etc. The residential and commercial properties are the most sought-after among the investors and users which makes the Estate Surveying and Valuation firms to give priority to their management. The industrial sub-property market is not quite active as a result of the low pace of industrial development while the few industries in the city are mostly owner-occupation with a less or no cases of tenancies (landlord-tenant relationship).

Methodology

The purpose of the study was to evaluate the adherence of property owners and agents to eviction procedures in the Osogbo Property Market in Nigeria. The study focused on registered Estate Surveying and Valuation firms in the Osogbo metropolis, as these firms are responsible for managing properties and are often involved in the eviction process of defaulting tenants in the area. According to the Nigerian Institution of Estate Surveyors and Valuers' authorized website, there are 25 registered Estate Surveying and Valuation firms practicing in Osogbo. To assess compliance, both descriptive and inferential statistics were used to describe and test the hypothesis. Data was presented using frequency and percentage distribution tables, as well as measures of central tendency, including the Mean Item Score (MIS) for responses on the Likert scale. The MIS is a useful tool for evaluating variables' performance in relation to other competing variables, allowing for ranking to determine the most important variables. The Likert scale was deemed appropriate to determine property owners and agents' compliance levels and the challenges they face in implementing eviction procedures. To test the hypothesis, the chi-square test was used to establish correlations between Valuers' profiles and compliance with procedural eviction requirements. Data analysis was conducted using Microsoft Excel and version 22.0 of IBM Statistical Package for Social Sciences (SPSS). The mathematical equation for the Mean Item Score is as follows:

$$MS = \frac{\sum(f \cdot x)}{N} \quad (1 \leq MS \leq 5) \dots\dots\dots (i)$$

S = the assigned score to each variables by respondents with 1 denoting "no compliance" and 5 denoting "high compliance"

f = frequency for each rating ranging from 1 to 5

N = the numbers of responses pertaining to that variable

Analysis and Results

Table 1: Response rate to Questionnaire Administered on registered Estate Surveying and Valuation firms

S/N	Questionnaires	Frequency	Percentage
1	Questionnaires retrieved	22	88.0
2	Uncollected questionnaires	3	12.0
	Total	25	100.0

Source: Authors Field Survey (2024)

Table 1 provides response rate to questionnaires administered to practicing Estate Surveying and Valuation firms in Osogbo metropolis. The result shows that a total of 25 questionnaires were administered out of which 22 questionnaires were retrieved. Thus, the response rate represents 88.0% of the total number of questionnaires administered. As prior research conducted by Abidoye and Chan (2016), the response rate is adequate.

Table 2: Demographic Characteristics of Respondents

Category	Characteristics	Frequency	Percentage
Educational Qualification	OND/NCE	2	9.0
	B.Sc/B.Tech/HND	6	27.3
	M.Sc	10	45.5
	Ph.D	4	18.2
	Total	22	100.0
Professional Cadre	Probationer/Graduate	4	18.2
	Associate below 10 years	7	31.8
	Associate above 10 years	8	36.4
	Fellow	3	13.6
	Total	22	100.0
Firm's Years of Existence	Less than 5 years	2	9.1
	6 – 10 years	3	13.6
	11 – 15 years	5	22.7
	16 – 20 years	9	41.0
	Above 20 years	3	13.6
	Total	22	100.0
Status of the Respondent's Firm	Branch Office	8	36.4
	Head Office	14	63.6
	Total	22	100.0

Source: Authors Field Survey (2024)

Table 2 shows the demographic characteristics of the respondents. The result shows that 2 (9.0%) of the respondents are OND/NCE holders, 6 (27.3%) of the respondents are B.SC/B.Tech/HND holders, 10 (45.5%) of the respondents are M.Sc holder while 4 (18.2%) of the respondents are PhD holders. The study indicate that 4 (18.2%) of the respondents are probationer/graduate, 7 (31.8%) of the respondents are associate below 10 years, 8 (36.4%) of the respondents are associate above 10 years and 3 (13.6%) of the respondents are fellow. The study further indicated that 2 (9.1%) of the respondents firm have been in existence less than 5 years, 3 (13.6%) of the respondents firm have been in existence between 6-10 years, 5 (22.7%) of the respondents firm have been in existence between 11-15 years, 9 (41.0%) of the respondents firm have been in existence between 16-20 years and 3 (13.6%) of the respondents firm have been in existence above 20 years. Furthermore, the result indicates that 8 (36.4%) of the firms are branch office while 14 (63.6%) of the firms are head office. This implication of the result shows that the respondents are well knowledgeable and experienced in their field and it is expected that their opinion would have positive impact on the reliability of the research findings.

Table 3: Respondents Level of Compliance with Procedural Eviction Requirements

Procedures for Tenants Eviction	Mean	Std. Dev.	Rank	Remarks
Establishing the reason for eviction	4.70	1.0062	1 st	Total Compliance
Issuing adequate quit notice to the tenant	4.68	0.8613	2 nd	Total Compliance
Filing a case in court	4.57	1.1105	3 rd	Total Compliance
Seven days' notice of the owner's intention to go to court resolution	4.52	0.6218	4 th	Total Compliance
Court judgment	4.32	1.0544	5 th	Compliance
Appeal process	4.00	1.3349	6 th	Compliance
Enforcement of court orders	3.72	1.0052	7 th	Compliance
Waiting period	3.45	1.3027	8 th	Low Compliance
Service of court processes	3.38	1.2088	9 th	Low Compliance

Tenant's right to defense	3.25	1.1303	10 th	Low Compliance
Possibility of settlement	3.05	1.0056	11 th	Low Compliance

Source: Authors Field Survey (2024)

Table 3 shows respondent's level of compliance with procedural eviction requirements. As indicated, 4 out of the 12 procedural eviction requirements including establishing the reason for eviction, issuing adequate quit notice to the tenant, filing a case in court and seven days' notice of the owner's intention to go to court resolution recorded total compliance as their mean score rating were within the range of 4.50 – 5.00. The respondents also comply with court judgment, appeal process and enforcement of court orders as indicated in their mean rating analysis ranging from 3.50 – 4.45. Also, the respondents recorded the remaining four items including waiting period, service of court processes, tenant's right to defense and possibility of settlement as low compliance within the range of 1.00 – 3.49. The implication of the result from the Mean Item Score shows that property owner/agents have total compliance with establishing the reason for eviction, issuing adequate quit notice to the tenant, filing a case in court and seven days' notice of the owner's intention to go to court resolution. Similarly, the respondents have low compliance with waiting period, service of court processes, tenant's right to defense and possibility of settlement. However, the conclusion derived from this result is that property owners/agents moderately comply with the procedural eviction requirements.

Table 4: Respondent's Responses on the Challenges Encountered by Property Owners/Agent towards the Implementation of Procedural Eviction Requirements

Challenges	MIS	Rank
Poorly drafted laws and regulations on procedural eviction requirements	4.22	1 st
Refusal to pay for services rendered by estate firms	4.05	2 nd
Lengthy wait times for recovering of possession	3.97	3 rd
Limited expertise and professionalism	3.62	4 th
Corruption	3.35	5 th
Limited access to reliable data and information	3.10	6 th
Shortage of qualified professionals with proper training on procedural eviction requirements	3.03	7 th
Appeals processes are expensive and difficult to use	2.88	8 th
Lack of standards and good governance practices	2.60	9 th
Looseness of regulations governing the real estate practice	2.25	10 th

Source: Authors Field Survey (2024)

Table 4 shows the challenges encountered by property owners/agent towards the implementation of procedural eviction requirements. The study discovered that, among the itemised factors, the respondents scored poorly drafted laws and regulations on procedural eviction requirements higher with mean item score of 4.22, and occupied the 1st position on the ranking table. This is followed by refusal to pay for services rendered by estate firms with mean item score of 4.05, lengthy wait times for recovering of possession with mean item score of 3.97 and limited expertise and professionalism with mean item score of 3.62 ranked as 2nd, 3rd and 4th respectively. The study noted other prominent challenges with their corresponding mean item score such as corruption (3.35), limited access to reliable data and information (3.10), and shortage of qualified professionals with proper training on procedural eviction requirements (3.03) ranked as 5th, 6th and 7th respectively. The least observed challenges encountered by property owners/agent towards the implementation of procedural eviction requirements as reported by the respondents include appeals processes are expensive and difficult to use (2.88), lack of standards and good governance practices (2.60) and looseness of regulations governing the real estate practice (2.55) as they occupied the bottom of the ranking table i.e. 8th, 9th and 10th in that order. The result implies that the top four challenges encountered by property owners/agent towards the implementation of procedural eviction requirements are poorly drafted laws and regulations on procedural eviction requirements, refusal to pay for services rendered by estate firms, lengthy wait times for recovering of possession and limited expertise and professionalism.

Table 5: Solution to overcome the challenges encountered by property owners/agent in the implementation of procedural eviction requirements

Challenges	RII	Rank
Establishing procedural eviction requirement guidelines and standards to ensure consistency and professionalism in the process	0.885	1 st
Judicial system should make evictions process less time consuming and less-expensive	0.764	2 nd
Tenancy agreement should be carefully worded and drafted to avoid ambiguities	0.687	3 rd

Capacity building and professional developments	0.645	4 th
Fair and effective legislation on eviction process	0.597	5 th
Improvement of access to reliable data and information	0.525	6 th

Source: Authors Field Survey (2024)

Table 5 shows the respondents opinion on the solution to overcome the challenges encountered by property owners/agent in the implementation of procedural eviction requirements. The result shows that the major solution to overcome the challenges is by establishing procedural eviction requirement guidelines and standards to ensure consistency and professionalism in the process (RII = 0.885). This is followed by judicial system should make evictions process less time consuming and less-expensive (RII = 0.764), tenancy agreement should be carefully worded and drafted to avoid ambiguities (RII = 0.687) and capacity building and professional developments (RII = 0.645). The result from the survey also revealed that the least solution to overcome the challenges encountered by property owners/agent in the implementation of procedural eviction requirements are fair and effective legislation on eviction process (RII = 0.597) and improvement of access to reliable data and information (RII = 0.525). This however implied that the challenges encountered by property owners/agent in the implementation of procedural eviction requirements would reduce considerably if government, policy makers and professional bodies establishes procedural eviction requirement guidelines and standards to ensure consistency and professionalism in the process.

Furthermore, a Chi-square was adopted to test the null hypothesis posited in the study and the result is shown in Table 6.

H₀₁: Level of professional experience has no significant relationship with property owners/agents compliance with the procedural eviction requirements in the study area.

H₀₂: Level of valuer's education has no significant relationship with property owners/agents compliance with the procedural eviction requirements in the study area.

Table 6: Chi-Square Test on the Relationship between the Estate Surveying and Valuation Firm's Professional Experience and Valuer's Education and Compliance with the Procedural Eviction Requirements

S/N	Procedural Eviction Requirements	χ^2 - Value	Df	p-value
1.	Level of Estate Surveying and Valuation Firm's Professional Experience			
	Establishing the reason for eviction	0.00 ^a	14	0.00 ^a
	Issuing adequate quit notice to the tenant	0.00 ^a	14	0.00 ^a
	Filing a case in court	0.00 ^a	14	0.00 ^a
	Seven days' notice of the owner's intention to go to court resolution	0.00 ^a	14	0.00 ^a
	Court judgment	0.00 ^a	14	0.00 ^a
	Appeal process	0.00 ^a	14	0.00 ^a
	Enforcement of court orders	0.00 ^a	14	0.00 ^a
	Waiting period	0.00 ^a	14	0.00 ^a
	Service of court processes	0.00 ^a	14	0.00 ^a
	Tenant's right to defense	0.00 ^a	14	0.00 ^a
	Possibility of settlement	0.00 ^a	14	0.00 ^a
2.	Level of Valuer's Educational Attainments			
	Establishing the reason for eviction	0.00 ^a	14	0.00 ^a
	Issuing adequate quit notice to the tenant	0.00 ^a	14	0.00 ^a
	Filing a case in court	0.00 ^a	14	0.00 ^a
	Seven days' notice of the owner's intention to go to court resolution	0.00 ^a	14	0.00 ^a
	Court judgment	0.00 ^a	14	0.00 ^a
	Appeal process	0.00 ^a	14	0.00 ^a
	Enforcement of court orders	0.00 ^a	14	0.00 ^a

Waiting period	0.00 ^a	14	0.00 ^a
Service of court processes	0.00 ^a	14	0.00 ^a
Tenant's right to defense	0.00 ^a	14	0.00 ^a
Possibility of settlement	0.00 ^a	14	0.00 ^a

Note: χ^2 means chi-square, ^aNo statistics are computed because the compliance with the procedural eviction requirements are a constant

Source: Authors Field Survey (2024)

Table 6 shows the relationship with Estate Surveying and Valuation firm's professional experience and valuer's education and compliance with the procedural eviction requirements. It can be deduced from the result that significant relationships exist between Estate Surveying and Valuation firms' professional experience and valuer's education and compliance with the procedural eviction requirements, as all the p-values are 0.00. The result of the findings implies that professional experience and valuer's education achievements contributed to their compliance with the procedural eviction requirements.

Discussion of Findings

The result of this study suggests that the property owners/agent moderately comply with the procedural eviction requirements. The result of the findings revealed that there is a significant relationship with Estate Surveying and Valuation firm's professional experience and valuer's education and compliance with the procedural eviction requirements. The study revealed that property owner/agents have total compliance with establishing the reason for eviction, issuing adequate quit notice to the tenant, filing a case in court and seven days' notice of the owner's intention to go to court resolution. This result agrees to a large extent with the research conducted by Moneke (2009) who affirms that tenant eviction usually follows four procedural eviction steps, which include giving tenants valid reasons for the eviction, serving tenant adequate written notice to terminate the tenancy and if the concerned tenant fails to move out of the apartment after receiving the quit notice, the owner/agent will file eviction lawsuit against the tenant. The study revealed that the top four challenges encountered by property owners/agent towards the implementation of procedural eviction requirements are poorly drafted laws and regulations on procedural eviction requirements, refusal to pay for services rendered by estate firms, lengthy wait times for recovering of possession and limited expertise and professionalism while the least of the challenges are appeals processes are expensive and difficult to use, lack of standards and good governance practices and looseness of regulations governing the real estate practice. These challenges according to Akogun and Ojo (2013) have prompted a range of research work, often practically oriented, that has tried to explain why it happens and so to produce practical recommendations as to how property owners/agents might tackle the problem. This result agrees with the research work of Stroud (2012) who found out that lack of well drafted laws and regulations on procedural eviction requirements hidden property owners/agents towards the implementation of procedural eviction. Also, it was pointed out that claims for recovering of premises from tenant could potentially result to lengthy wait time. The findings of the study also revealed that the solution to overcome the challenges encountered by property owners/agent in the implementation of procedural eviction requirements are establishing procedural eviction requirement guidelines and standards to ensure consistency and professionalism in the process, judicial system should make evictions process less time consuming and less-expensive. Also, it can be deduced from the study that it is important that tenancy agreement should be carefully worded and drafted to avoid ambiguities. The result of the findings joins the attempts being made by several bodies including the government, property owner & occupiers, tenants and professional bodies to increase the awareness and knowledge on procedural eviction requirements in real estate transactions.

Conclusion and Recommendations

This study has examined the compliance of property owners/agent with procedural eviction requirements in Osogbo property market, Osogbo, Nigeria. It can be deduced from the findings that professional experience and valuer's education achievements contributed to their compliance with the procedural eviction requirements. The study found that property owner/agents have total compliance with establishing the reason for eviction, issuing adequate quit notice to the tenant, filing a case in court and seven days' notice of the owner's intention to go to court resolution. The study also discovered that the respondents have low compliance with waiting period, service of court processes, tenant's right to defense and possibility of settlement. However, the conclusion derived from this result is that property owners/agents moderately comply with the procedural eviction requirements. The study also revealed that the top four challenges encountered by property owners/agent in the implementation of procedural eviction requirements are poorly drafted laws and regulations on procedural eviction requirements, refusal to pay for services rendered by estate firms, lengthy wait times for recovering of possession and limited expertise & professionalism. The study recommends that the real estate stakeholders should establish procedural eviction requirement guidelines and standards to ensure consistency and professionalism in eviction process. Tenancy agreement should be carefully worded and drafted to avoid ambiguities. It is also important for judicial system to make evictions process less time consuming and less-expensive. Hence, this calls for urgent attention of the government at various levels to bring succor to the practice, the tenants, property owners and the property managers.

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