

# Guide to Rent Arrears, Legal Action & Eviction



**This document explains the steps we will take to collect rent that is not paid when it is due, and how we can help if you fall behind with your rent.**

## **Our Rent Account Management Policy**

The aim of our Rent Account Management Policy is to make sure that rent is collected on time, as well as ensuring that tenants are offered support and advice to address rent arrears at an early stage.

We have a process that means you will be contacted by our Housing Services staff as soon as you miss a payment or your rent account falls into arrears.

We will therefore contact you at an early stage as rent arrears can quickly rise and the larger the debt the more difficult it may become to pay it off.

We will work with you to try and resolve any financial difficulties which you may be experiencing and we aim to make all payment arrangements affordable for you.

However, paying your rent is not a choice; it has to be paid as a condition of your tenancy agreement.

Ultimately if we have taken all the action and offered all the support and advice we can, but your arrears are not reducing, then we will have no other alternative but to take legal action against you.

This means that your home may be re-possessed and could result in your eviction.

## **What Should I Do If I Can't Pay My Rent / Get Into Rent Arrears?**

We recognise that people at different stages of their lives can experience financial problems. It can often be difficult speaking to people about these problems.

We can help by providing advice, information and support that can help you deal with any difficulties that can arise.

Therefore, if you are having difficulty in paying your rent, please get in contact with our Housing Services staff immediately, as we are here to help.

The sooner you let us know that there is a problem, the sooner we can work with you to resolve it. We will do our very best to help you.

Our Housing Officers are trained to deal with your enquiries in a friendly, confidential and supportive manner.

Your Housing Officer can:

- Agree an affordable payment plan which allows you to pay your rent in instalments.
- Provide advice on completing a Housing Benefit /Universal Credit application.
- Refer you to our Welfare Rights Officer for support or advice.
- Signpost you to other organisations that can provide you with advice regarding any debts which are worrying you.

### **What Will Happen If I Am In Arrears?**

You Housing Services staff will make contact with you. This may be via e-mail, letter, telephone, text or a home visit.

You will be advised of the outstanding balance and asked that you either clear the arrears in full, or enter into a payment arrangement to reduce the arrears each month.

You will be offered a private appointment with your Housing Officer to discuss your individual circumstances.

Following this appointment you may be referred to external organisations who can offer you more specialised advice, if applicable.

If you clear the arrears in full or adhere to the agreed payment arrangement, no further action will be taken against you.

However, if the arrears continue to increase or are not reduced, then you will be contacted to discuss the situation further.

If you fail to contact your Housing Officer to discuss your circumstances, or do not agree on a suitable payment arrangement, then as mentioned previously, we will have no alternative but to start court action in order to recover your tenancy and the debt owed to the Association.

### **Will Anyone Else Know About My Arrears?**

If you are a joint tenant, or if members of your household are over 16 years of age, the Association is required by law to notify them of proposed legal action.

## Notice of Proceedings for Recovery of Possession (N.O.P)

This is a legal document that can be served on you by the Association. This notice is the first step which we take in order to start legal action to recover your tenancy and rent arrears/debt owed to us.

The notice gives a four week period to enable you to clear your arrears or reach an arrangement to make regular payments to reduce and ultimately clear your arrears.

If after this period the outstanding balance on your rent account has not reduced then the Association has a maximum period of 6 months to apply to the Sheriff Court for a Decree to repossess your tenancy and recover the debt owed.

It is, however still not too late to contact us. At all times throughout this process we would want to work with you to resolve any difficulties which you are experiencing. It is therefore very important that you maintain contact with your Housing Officer.

## Court Proceedings

If during the period the NOP is valid, your arrears have not been cleared or a repayment arrangement has not been made or has been broken then we will take court action to recover the debt owed and also to allow us to evict you from your home.

Please note that if we take legal action we will ask the Court to award the Association expenses.

## Summons Served

If we start legal action against you we will arrange for you to be sent a summons by the Sheriff Court. This is a legal document to tell you that we have asked for a court order to end your tenancy and evict you and your household.

The summons will give you the date when your case will be heard at court. The summons is usually sent by recorded delivery but may also be delivered by a Sheriff Officer.

## What Do I Do If I Receive A Court Summons?

- ☞ You must act immediately.
- ☞ If you receive a summons do not ignore it.
- ☞ If you don't do anything you may be evicted.
- ☞ Please contact us straight away and / or seek advice from an appropriate advice organisation e.g. the Citizen's Advice Bureau.

At this stage it is very important that you seek advice from a solicitor or an organisation such as Shelter or Citizens Advice Bureau. These organisations may also represent you at court.

If you are on a low income, Legal Aid may be available to pay the costs of representation. Whether or not you are represented, it is best to attend the Court personally.

### **Will I Have To Pay Court Costs?**

Yes. Any court action will result in you being held responsible for costs.

### **How Will I Know The Decision Of The Sheriff?**

The Sheriff will advise of his decision at the end of the Court Hearing. You will also receive a letter from the Association telling you what the decision was and what action the Association will be taking. If you are to be evicted, you will be advised of the date and time the eviction will take place.

### **What Happens At An Eviction?**

The eviction is carried out by Sheriff Officers.

Prior to the time of the eviction you should arrange for yourself and all members of your household to vacate your home. You should also arrange for all your belongings to be removed from the house. Once you are removed from your home, the locks on the door will be changed.

Your tenancy with the Association has now formally ended and your membership cancelled.

### **How Can I Stop The Eviction?**

If you are being evicted due to not paying your rent arrears, full payment of the sum, including outstanding legal expenses, will normally stop the eviction action.

You need to contact us urgently if you intend to pay the debt prior to the eviction.

If you are being evicted for anti-social behaviour it is unlikely the eviction will be cancelled. You should however contact the Association to discuss the situation and any assistance which may be available to you.

It is never too late to seek advice. If you get a Sheriff Officer letter contact a solicitor or advice agency immediately. Even at this late stage, it may be possible to stop an eviction if you have not had representation at the court hearing.

## What Happens After An Eviction?

If you are evicted for rent arrears or anti-social behaviour, this may affect your chances of being rehoused by another housing association or local authority.

You will however be entitled to advice, support and assistance from Glasgow City Council's Homeless Department. This may include the provision of temporary accommodation.

If you are evicted for rent arrears, the Association can arrest your wages or bank/building society accounts to recover the debt. You may also be credit blacklisted, and be refused bank loans, hire purchase or mortgage facilities.

## How Do I Avoid Eviction?

It is important to note that eviction will always be taken as a very last resort and when all other options have been exhausted.

To help avoid eviction you should:

- ☞ Act early when difficulties arise
- ☞ Contact us at any stage in the arrears action process if you are having difficulties with rent payments.
- ☞ Seek independent legal advice.

**DON'T PUT YOUR HEAD IN THE SAND – ACT BEFORE IT'S TOO LATE.....**