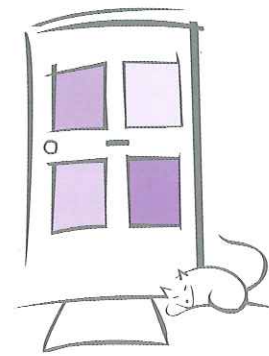


Cernach

Housing Association
Limited

If you have any questions regarding the
content of this publication please call the
office on:-0141 944 3860

Preventing Rent Arrears and Legal Action



Cernach

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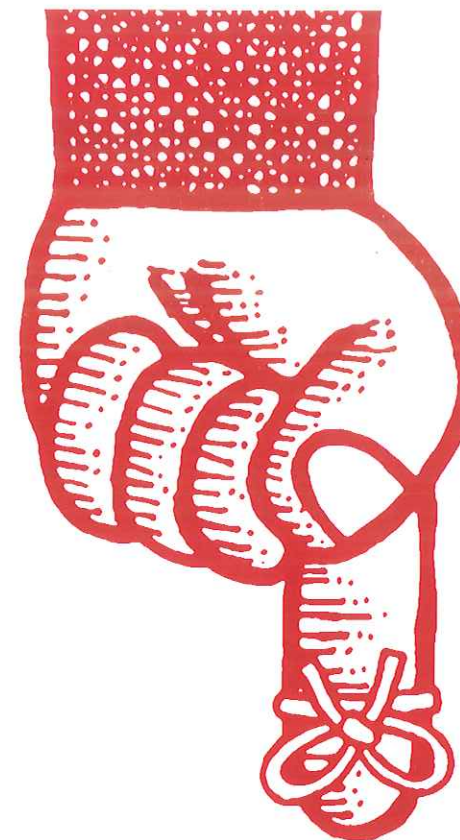
This leaflet is to provide you with information and advice on preventing and dealing with Rent Arrears and Legal Action. It is important to remember that paying your rent on condition of your Tenancy Agreement and failure to do so can put your tenancy at risk. The money we receive from tenants' rents allows us to provide a range of Housing Services and to maintain and improve our properties.

What will happen if I fall behind with my rent payments?

We will contact you to advise you how much you are in arrears. It is important that you take immediate action to resolve this matter, whatever the reason for not paying your rent. We understand that people may find themselves in rent arrears for all kinds of reasons and we recognise that it can be very difficult to face up to problems, particularly if you don't know where to start if you have any sort of financial concerns or debts.

The earlier you contact us for advice the better. We are here to help you and will deal with your circumstances in an understanding and professional manner. For example, following discussions with us you will be able to pay a regular amount towards your arrears.

We will ensure that the payments you agree to make are affordable for you based on your financial circumstances. If you ignore the initial letter advising you of your arrears we will contact you again to discuss your position. Unless you are prepared to discuss arrangements with us to clear your rent account we will consider taking Legal Action for payment and you could potentially lose your home.



Don't forget!

Your rent is due on the
1st of each month

For Free Benefits Advice call us
now on: 0141 944 3860

What other help and advice is available to help with my rent?

You may qualify for Housing Benefits to help pay your rent. We have a Welfare Benefits Advisor from Citizens Advice Bureau in our office every Wednesday. They can check whether you may be entitled to any benefits you are not claiming. Please contact our office on: **0141 944 3860** if you wish us to make a confidential appointment.

If you wish to apply for Housing Benefits, you are required to complete an application form, so you will be required to provide proof of income when doing so.

In addition there is a Debt & Money Advice Service available every Thursday in our offices. Please contact our office on **0141 944 3860** if you wish us to make a confidential appointment.

What happens if I ignore the Rent Arrears letter?

If you do not contact us to make an agreement or take up our offer of assistance or advice, we will have no option but to issue a Notice of Proceedings for Recovery of Possession. Do not ignore this as it is the first sign that we are taking Legal Action against you. Please get in touch with us as our Housing Services staff can help you. When a Notice is served, we are legally required to deliver it to the tenant and any other people living in your home that are over the age of 16 years of age.

What if I get a Summons for Court?

If you receive a Summons to attend Court you should contact us immediately. Alternatively, you can contact a solicitor or Advice Agency who can help you with your case and may be able to represent you in Court. Please do not ignore the Summons.

What happens at Court?

The Sheriff should decide whether it is reasonable to evict you based on the information you, or your representative give to the Court. We will be represented by our solicitor. The Sheriff will normally expect to hear about your household circumstances, how your arrears arose and what steps you propose to take to deal with your arrears.

What can the Court decide?

The Sheriff can decide to:

- **“continue”** your case to call at Court again in a few weeks. For example, to allow you to pay an affordable, regular amount towards your arrears, or for your Housing Benefit claim to be resolved.
- **“Sist”** your case – this means to “put your case on hold” and to take no further action against you while you make agreed payments to reduce your arrears. This, however, remains a “live action” and, should you break your agreement the case can be recalled and a Decree for Eviction requested.
- **“grant decree”** this means give us permission to evict you.

What happens if the Association are given permission to evict?

If the Sheriff grants decree against you, we will inform you of this decision and the date the eviction will take place. However, we want, wherever possible, to prevent tenants from losing their homes. It is certainly never too late to contact us for help and advice as it may still be possible to stop you losing your home. Do not be afraid, please get in touch with us – we are here to help.

What should I do at my Eviction?

Before the Eviction date you should remove all your belongings from the property you will no longer have right of entry to the property after the Eviction has taken place.

You should leave the property in a clean & tidy condition, remove any alterations that have been carried out without permission from the Association and complete any necessary repairs.

You should provide the Association with a Forwarding Address.

If you have not left the property Sheriff Officers will evict you and any members of your household from the property.

Former Tenant Arrears

If there are arrears at the end of a tenancy the Association will continue to pursue these which may mean further legal proceedings.

It is also unlikely that we or other Housing providers will be able to re-house you in the future should you not repay any debt owed to us.

Information in other formats

This leaflet can be made available in Braille, in large print and in other languages.

Please contact us if you require this on **0141 944 3860**.