

RENT ARREARS

Whether you rent your house privately, through a housing association or through the local authority, if you are unable to pay your rent, you risk losing the roof over your head.

If you are in arrears with the rent, you will need to get in contact with your landlord. Many people find this difficult so here is a list of steps you can take to make the situation easier:

- Contact your Landlord and explain your situation – Is it temporary or likely to be a long term problem?
- How much rent arrears are owed? It will be beneficial for you to complete an Income & Expenditure sheet to show exactly what your financial situation is:
 - Add up your total monthly income.
 - Add up your total outgoings. This will include (but isn't limited to) essential household expenses, utilities, transport, food and TV licence etc.
 - Finally take your total outgoings away from your total income. This will show your landlord how much surplus (or spare) income you have, which can then be used towards repaying your rent arrears.Remember that your rent is a priority outgoing compared to repayments needed for things like unsecured loans, credit cards, catalogues etc. There is no point prioritising your unsecured debts if it means you lose the roof over your head!

ARE YOU ENTITLED TO ANY BENEFITS?

Check if you are entitled to any Benefits, as this may help with paying the arrears. You can contact the Welfare Benefits Advisor at your local Citizen's Advice or check your entitlement at www.turn2us.org.uk

If you're already getting benefits such as Universal Credit or Housing Benefit, check you are getting the right amount.

If you get Universal Credit or other benefits, you can ask for part of these payments to be paid towards your rent arrears.

If you get Housing Benefit or Universal Credit you may also be able to get a Discretionary Housing Payment (DHP) if you can't pay your rent. A Discretionary Housing Payment is an extra payment from your local authority.

WHAT HAPPENS IF MY LANDLORD WANTS TO EVICT ME?

There is a process which your Landlord needs to follow if he wants to evict you.

Section 8 Notice

If you have broken the terms of your tenancy, you will receive a Section 8 Notice, also known as a Notice to Quit. This gives your Landlord grounds for possession. The most common reason for this would be if you are in rent arrears - you will have at least 2 months of arrears in this case.

The notice can be 2 weeks or 2 months depending on the grounds for the notice being served.

Section 21 Notice

This notice is used to evict you after a fixed term tenancy ends or during a tenancy which has no specific end date.

A Landlord must give you a minimum of 2 months' notice in writing.

If you don't leave the property on the date that the Notice specifies, your Landlord will need to take you to Court to gain a Possession Order.

WHAT HAPPENS IF I AM TAKEN TO COURT OVER MY RENT ARREARS?

The most important thing is for you to attend the Court hearing. This will be your chance to explain to the Judge the reason for your debts and explain any proposal to repay the arrears.

The Judge will make a decision on the outcome of the hearing. He may:

- **Dismiss the case** – This is likely if there is no reason for you to be evicted, your Landlord has not followed the correct procedure or your Landlord hasn't attended the hearing.
- **Adjourn the Hearing** – Moved to another date if a decision cannot be made on the day.
- **Grant an Order** - The Judge decides which Order should be granted.

POSSESSION ORDER

If a Possession Order is granted against you, you will be given a specific date to leave the property. This is either 14 or 28 days from the date the Possession Order was granted. If you do not leave the property by that date, the Court can grant a Bailiff a Warrant of Possession to evict you on a certain date.

SUSPENDED POSSESSION ORDER

This would mean that the Judge has allowed you to stay living in your property providing that you make the payments offered on time, or adhere to any conditions set by the Court. However if you don't adhere to the terms of the Order, the Landlord will be able to evict you.

It is very important that if you are being taken to Court over your rent arrears, you need to complete an Income & Expenditure to prove to the Court what available surplus income you have to offer towards the arrears.

Your offer needs to be something that is affordable and sustainable so that you are not overstressing yourself in order to pay the arrears. If you make it unsustainable it will be very difficult to persuade the Court that you can stick to a second arrangement if you haven't stuck to the previous one.

For more advice on dealing with rent arrears, please contact your local Citizen's Advice Bureau or contact our Advice Team on 0800 917 7819.