

Rent arrears and eviction

Rent Arrears

Rent arrears are classed as a priority debt. This is because the implications of having rent arrears can be significant including losing the roof over your head. For that reason, rent payments should always be prioritised over paying other bills for example paying your phone bill or catalogue debt.

Reasons behind rent arrears

There are lots of reasons why you might find yourself in rent arrears:

- Loss of earning due to illness or redundancy
- Landlord putting your rent up when you cannot afford it
- Changes to your benefits
- Not prioritising your rent payments

Whatever the reason, it is important to look at addressing the underlying issues like physical or mental health issues or looking at your budgeting skills to avoid getting into rent arrears in the future.

Act without a delay

It is important to act quickly when you have rent arrears. This is to avoid getting into further debt and possible court action which could result in eviction. If you are not able to clear your arrears it could lead to lots of problems, including losing

your home and having problems finding somewhere else to live. You might not be able to rely on the local authority to rehouse you because they might consider you to have made yourself intentionally homeless. You might find it hard to get credit or borrow money in the future. In addition, it is unlikely you will have good references from your current landlord which will make finding another private let accommodation more difficult.

Important steps to take when you have rent arrears

Find out how much you owe.

Ask your landlord for the latest rent statement to be certain of what you owe. If you're an assured or an assured short hold tenant, your landlord could take legal action and the court may have no choice but to evict you if you have over 8 weeks' rent arrears.

Speak to your landlord

About your financial situation and assure them you are taking action to address your rent arrears. Offering to pay smaller amounts is better than paying nothing at all.

Look at maximizing your income

- By checking that you are getting all the income you can, including any help towards your rent or other benefits you may be entitled to.

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- If you are uncertain of what benefits you could claim, please call our helpline on 0808 801 0550
- Alternatively visit Turn2Us website: <https://benefits-calculator.turn2us.org.uk/AboutYou> which will give you an idea of help available to someone in your situation.
- You can also contact your local Citizen Advice to support to claim benefits you might be entitled to.

Agree on the repayment plan with your landlord.

- If you can't pay off your arrears in full, you should ask for time to pay them back.
- You can suggest that you will pay back extra on top of your rent each month or each week over a certain period of time, until the arrears are paid off.
- A landlord may agree to this rather than end your tenancy because they want to get back the money you owe.
- Look at your income and expenditure, consider cutting down on your non-priority spending in order to address your priority debt which is your rent arrears.
- It is important to negotiate realistic and affordable payment plan so that you do not default on your agreed payments.
- If you've agreed a repayment plan with your landlord but haven't kept to it, they will probably take legal action to evict you.

Seek charitable assistance to help with your rent arrears.

Licensed Trade Charity can consider your request for help if you have worked in the licensed drinks trade for 5 years or longer. Please contact our helpline on 0808 801 0550 if you would like to discuss it further. There is a lot of occupational benevolent charitable organizations which might be worth applying to depending on your or your partner's employment history. Turn2Us offer grants calculator that can assist with your search: <https://www.turn2us.org.uk/Get-Support>

Can I withhold rent from my landlord because of repair problems?

You don't have the right to withhold rent and you shouldn't do this to try to force your landlord to do repairs. Withholding rent could mean that your landlord takes legal action against you for rent arrears and you could lose your home.

In certain circumstances, you can arrange for repairs to be done yourself and use the rent money to pay for the work. This is not recommended as you have to carefully follow a certain procedure to do this. The law in this area is complicated so it is important to get advice.

It's never a good idea to just stop paying your rent, you should consult an experienced adviser without delay.

If your landlord started legal action

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It is worth discussing your rent arrears and payment plan with your landlord even if they have already started legal action to evict you. Eviction is a legal process. It takes time and many landlords only use it as a last resort.

If your landlord won't agree the repayment plan you have offered, pay what you have offered anyway. This may make a difference if the landlord takes you to court.

If you are taken to court for rent arrears

If you have rent arrears your landlord may try and evict you. This is called seeking possession. To do this, in most cases they will have to follow a procedure which involves court order. Your landlord cannot force you out of your home without a court order. If they do make you leave, this is against the law.

Eviction step by step

There are different stages that need to be followed. This depends on the tenancy agreement you have as well as being a social private tenant. If you are a private tenant with an assured short hold tenancy, your landlord may be able to use slightly quicker procedure than the one that social landlords have to follow.

In most cases the following steps will take place:

Written notice of seeking possession

At this stage they are informing you of their intention of seeking possession of the property you occupy and they give you grounds for their

action. For example, your landlord can give you section 8 notice if you have rent arrears. Depending on the reason your landlord wants to evict you, the notice period will be either 14 days, 4 weeks or 2 months.

Getting a notice seeking possession doesn't always mean you will have to leave your home. Your landlord still has to get a court order before they can evict you and they can't apply for a court order until the notice period has run out. You may be able to pay off all the arrears before the notice period runs out. If you can do this, it will stop court action going any further and you won't have to leave your home.

Even if you can't pay all the arrears off before the notice period runs out, you may be able to come to an agreement with your landlord to pay back the money over a longer period of time. This would allow you to stay in the property and may mean you can avoid going to court. This would avoid you having to pay court costs. However, your landlord could still take you to court even if you come to an agreement. In this case, the judge is likely to say that you can stay in your home as long as you stick to the agreement.

Applying for a court order

If you do not pay off the arrears or come to an agreement with your landlord within the notice period, they will apply for a court order. You will be sent papers by the court, showing your landlord's case against you. These papers are called a claim form and particulars of claim. You will also get papers for you to fill in and return to the court. These are called the defence form. If

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there is to be a court hearing, you will also be given the time and place of the hearing. However, if you're an assured-short hold tenant, you may not get the chance to go to court.

Defence form

You must complete and return the defence form within 14 days. You can use it to explain your situation. You can also provide your own evidence. It is advisable to obtain professional housing advice either from Citizens Advice or Shelter on how to complete your defence form as this might have significant impact on the court outcome of the court hearing.

Court Hearing

A judge will hear the case at a court hearing. The hearing is your opportunity to explain your situation and present your evidence. You can attend the hearing even if you don't submit a defence form.

It helps the court if you attend the hearing and provide information in advance if possible.

The court can decide to:

- dismiss the case (this means you can stay)
- order you to leave (usually in 14 days, but you can ask for longer)
- postpone or suspend a possession order

A suspended or postponed possession order allows you to stay in your home provided you follow certain terms. For example, that you follow a repayment plan for rent arrears. If you break the terms of this agreement, your landlord can bring the case back to court.

You are usually told the decision on the day. If you don't attend the hearing, the court sends you a letter with their decision.

Bailiffs

Your landlord can ask the court for an eviction warrant if you don't leave by the date set out in the possession order. You get notice of the time and date of the eviction on a court document called Form N54.

The bailiffs (sometimes called enforcement officers) post or deliver the form by hand. It helps to be prepared, packed and ready to hand back your keys when the court bailiffs come to evict you.

Emergency housing

In most cases, if you are evicted due to rent arrears you are likely to be considered intentionally homeless and your local authority might not have a duty to house you. However, if you have dependent children, disability or are otherwise classed as being in a 'priority group', you might be considered to be given a temporary accommodation which will give you more time to find alternative accommodation.

If you have worked in the licensed drinks trade for 5 or more years we might be able to consider helping you with rent in advance and deposit costs to enable you securing alternative private let accommodation.

Useful links: organisations that can help

If you are experiencing any of the issues covered in this factsheet, in the first instance call our free helpline on **0808 801 0550**.

Our Advisors will listen without judging and

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will work with you as best they can to achieve a positive outcome. If you prefer you can email: support@ltcharity.org.uk Visit our website: www.licensedtradecharity.org.uk

It's full of useful information about the kind of issues we know people who work in the licensed trade face.

Shelter

Shelter works to alleviate the distress caused by homelessness and bad housing by giving advice, information and advocacy to people in housing need.

Helpline: 0808 800 444 8am-8pm Monday-Friday; 9am-5pm Saturday, Sunday
www.england.shelter.org.uk

Citizens Advice

You will find a Citizen's Advice in most towns. They give free, practical, up-to-date advice. They are non-judgmental and work confidentially. You can find their address and phone number in your local phone book or at www.citizensadvice.org.uk

Government Housing

Has information on legal obligations and rights when renting, buying or owning a home, plus information about Council Tax, what to do if you're homeless and where to get help if you have a housing dispute.

www.gov.uk/browse/housing