

## What can the Court decide?

The Sheriff can decide:

- To “continue” your case – to call it in 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; OR
- To “sist” your case – this means to “put it on ice” and take no further action against you while you make agreed repayments towards your arrear; OR
- To “grant decree” to grant us permission to evict you.

## What happens if we are granted 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 even at this late stage. Do not be afraid, please get in touch with us – we are here to help.

## Information in other formats

This leaflet can be made available on CD, tape or audio formats, in Braille, in large print and in languages other than English. Please contact us if you require this information in an alternative format.

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Bellsmyre Housing Association Ltd is a registered society under the Co-operative and Community Benefit Societies Act 2014 – Reg. No. 2380 R(S)

Scottish Housing Regulator Reg. No. HCB 235.

Scottish Charity No. SC038496.

Property Factor Registered No: PF000266



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# PREVENTING RENT ARREARS AND LEGAL ACTION



**BELLSMYRE**  
housing association

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# Preventing Rent Arrears and Legal Action

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 time is a 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 send you a letter and contact you by telephone to advise how much you are in arrears. It is important that you take action immediately to resolve this matter, whatever the reason for not paying your rent. We understand that people may find themselves in rent arrears for all kind 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.

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 discussion 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 to you based on your financial circumstances. If you ignore the initial letter advising you are in rent arrears, we will contact you again and arrange a home visit or office appointment to discuss your rent arrears. 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**  
**by the 1st of each**  
**month.**

**Free Benefits Advice**  
**call us now on:**  
**01389 765179**

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

You may be able to get Housing Benefit or Universal Credit to help pay your rent. Please contact our office on 01389 765179 if you wish for us to make you a confidential appointment with the Citizens Advice Bureau representative.

If you wish to apply for Housing Benefit, you are required to complete an application form. West Dunbartonshire Council will then assess your form and determine the amount of benefit you may receive.

## 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. This will be delivered to your home in person by a Sheriff Officer. 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 old. We must also notify social services when children are in the household.

## What if I get a Summons for Court?

If you have received 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. Bellsmyre Housing will be represented by our solicitor. The Sheriff will normally expect to hear about your household circumstances, how your arrears arose and what steps are proposed to deal with your arrears.

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