

# Where to get information and advice

## Benefits Section

Council Offices,  
Garshake Road,  
Dumbarton, G82 3PU  
Tel: 01389 737163  
Email: benefits@westdunbarton.gov.uk

## Bellsmyre Community Advice Centre

7B Merkins Avenue, Bellsmyre,  
Dumbarton, G82 3EB  
Tel: 01389 730111  
Email: info@bellsmyreca.com

## Citizens Advice Bureau

6-14 Bridge Street,  
Dumbarton, G82 1NT  
Tel: 01389 765345  
Email: info@dunbartoncab.co.uk  
www.cas.org.uk

## Money Advice Scotland

Tel: 0141 572 0237  
Email: info@moneyadvicescotland.org.uk

## National Debtline

Tricorn House  
51-53 Hagley Road  
Edgbaston,  
Birmingham, B16 8TP  
Tel: 0808 808 4000  
www.nationaldebtline.co.uk

## Consumer Credit Counselling Service

Wade House, Merrion Centre  
Leeds, LS2 8NE  
Tel: 0800 138 3328  
Email: contactus@cccs.co.uk  
www.scottishdebtline.co.uk

## Shelter Scotland

Tel: 0808 800 4444  
www.scotland.shelter.org.uk

## West Dunbartonshire Council

Homeless Persons Team  
Housing Office  
24-30 College Way,  
Dumbarton, E82 1JL  
Tel: 01389 738282

Further copies of this document are available, on request, in audio and large print formats and in community languages, please contact:

Aby otrzymać niniejszy dokument w innej wersji językowej, na kasecie lub w wersji z powiększonym drukiem, prosimy o kontakt:

اس دستاویز کی مزید کاپیاں آڈیو کیسیٹ پر اور بڑے حروف کی چھپائی میں اور کیوٹی کی زبانوں میں طلب کیے جانے پر دستیاب ہیں۔ برائے مہربانی اس پتے پر رابطہ کریں:

এই ডকুমেন্ট-এর (দলিত) অভিন্নতা কপি, অডিও এবং বড়ো ছাপান অক্ষর আকার এবং সম্প্রদায়ভেদে ভাষায় অনুবাদে মাধ্যমে পাওয়া যাবে, অনুগ্রহ করে যোগাযোগ করুন:

Gheibhear lethbhreac a bharrachd ann an cruth ris an èistear, ann an clò mòr agus ann an cànan coimhearsnachd. Cuir fios gu:

इस दस्तावेज़/कागज़ात की और प्रतियाँ, माँगे जाने पर, ऑडियो टैप पर और बड़े अक्षरों में तथा कम्प्यूनिटी भाषाओं में मिल सकती हैं, कृपया संपर्क करें:

ਇਸ ਦਸਤਾਵੇਜ਼/ਕਾਗਜ਼ਾਤ ਦੀਆਂ ਹੋਰ ਕਾਪੀਆਂ, ਮੰਗੇ ਜਾਣ 'ਤੇ, ਆਡਿਓ ਟੇਪ ਉੱਪਰ ਅਤੇ ਵੱਡੇ ਅੱਖਰਾਂ ਵਿਚ ਅਤੇ ਕੰਮਿਊਨਿਟੀ ਭਾਸ਼ਾਵਾਂ ਦੇ ਵਿਚ ਮਿਲ ਸਕਦੀਆਂ ਹਨ, ਕ੍ਰਿਪਾ ਕਰਕੇ ਸੰਪਰਕ ਕਰੋ:

此文件有更多備份，如果需要，語音版本和大大體版本及少數種族語言版本也可提供，請聯絡：

يمكن أن تطلب النسخ الأخرى من هذا المستند كالتسجيل الصوتي والخط المكبر ونسخ بلغات أخرى، يرجى الإتصال على:

**Telephone: 01389 765179**



**BELLSMYRE**

housing association

a guide for

# Qualifying Occupiers

Bellsmyre Housing Association,  
16 Merkins Avenue,  
Bellsmyre, Dumbarton G82 3EB  
Tel: 01389 765179 Fax: 01389 733031



E-mail: admin@bellsmyre-ha.org

Web: www.scottishhousingconnections.org

The Scottish Housing Regulator Reg. No. HCB235.  
Registered Scottish Charity No. SC038496 FSA Reg No. 2380 R(S)

You can get names of local solicitors from:

**The Law Society of Scotland** Client Relations Office, 26 Drumsleugh Gardens,  
Edinburgh Tel: 0131 226 7411 www.lawsoc.co.uk

**Legal Services Agency Ltd** www.lsa.org.uk

**Scottish Association of Law Centres** www.salc.info

This leaflet tells you about the rights that you have if you are a 'qualifying occupier' when legal action is being taken to recover possession of the property you live in. It is important that you read this leaflet to make sure you know your rights.

## What is a 'Qualifying Occupier'?

You are a 'qualifying occupier' if you live in one of our tenants' homes as your only or main home and:

- A You are a member of the tenant's family and aged at least 16 ;
- B The tenant has, with our agreement, transferred the tenancy, sublet or otherwise given up possession of their home or any part of it to you, or
- C They have, with our agreement, taken you in as a lodger.

## What rights do I have as a qualifying occupier?

If we apply to the court to take legal action to recover the home you live in you, as a qualifying occupier, have the right to apply to the court to be included in future proceedings.

If you want to apply to be included in court action, you should speak to a Solicitor. You are entitled to have the court consider your rights alongside the tenant and you or your representative will be able to put your point of view to the court.

## Why would you want to repossess my home?

There are many reasons why we would repossess your home. Although any action that we take will be against the tenant, the result may be that we will evict you from your home.

However, we will only repossess your home as a last resort after considering all other alternatives first.

The law gives the reasons when we can take action to recover possession of your home these include:

- Rent due by the tenant has not been paid ; and
- The tenant (or a person living with the tenant or visiting the tenant) has acted in an antisocial way towards or has harassed a person in the area.

## What do you have to do before you can repossess my home?

We can only evict you when we have an order from the Sheriff Court.

To repossess your home we have to start legal proceedings in court. However before we can do this, we must serve on the tenant and every qualifying occupier a 'notice of proceedings'.

## What is a notice of proceedings?

This is like a final warning, which allows us to apply to the court (within six months of sending you the notice) to start legal action.

This notice will tell you :

- The earliest date that we can contact the court to ask for a court date (this must be at least four weeks away);
- That we may get an order from the Sheriff Court to make the tenant repay the rent payments they have missed or evict the tenant and everyone living with them from the property ; and
- The reason or reasons why we want to take legal action against the tenant.

If we do not start legal proceedings (that is, ask for a court date) within six months of the date given on the notice, we will have to start the process again by sending you another notice of proceedings.

## What should I do if you send me a notice of proceedings?

Don't ignore it ! Talk to the tenant. Once you know why we have served the notice, you may be able to do something to stop the case going to court. For example, you may be able to pay the rent. Most repossession action is for rent arrears. Or, you might be able to help by making sure the tenant makes a repayment agreement as soon as possible and keeps to it.

## What if I want to be part of the court proceedings?

If you want to be part of the court proceedings, you must apply to the court. You may want to contact a solicitor or Citizens Advice Bureau to help you. When you apply to the court to be a part of the proceedings, the court must agree to your request. This allows you to put your point of view to the court, for example to explain what the repossession action will mean to you. It will be for the Sheriff to decide whether to take the views into account when deciding if it is reasonable to grant an order to possess the house.

## What will happen next?

If we decide to go ahead with court action, we will apply to the court and send the tenant a copy of the summons. The summons is a document which starts the court action. Before a court order can be granted, the case must be heard at the Sheriff Court.

## Will I be evicted?

If the court awards a Decree of Repossession our Management Committee will then consider the case and decide whether to proceed with the eviction.

If approved we will write and let the tenant know this and also confirm the date that has been set for eviction.

On the date of eviction, Staff, Sheriff Officers and Police if required will attend. If you have not left the property (with all your belongings) the Sheriff Officers will evict you and anyone else present from the property.

## What should I do if you have started the legal process to evict me?

If the process has started, you should get independent advice immediately. You can speak to a solicitor who can represent you in court. They will advise you if you are eligible for legal aid. Other independent rights organisations, such as Citizens Advice or Shelter, may be able to give you advice and help.