



Dalmuir Park Housing Association

A Guide to Arrears, Repayment Arrangements and Legal Action

September 2009

Repayment of Arrears

This leaflet tells you what to do if you have rent arrears and how we can help. The Association's Housing Officers are available to assist you at all times and they can discuss your problem, seek ways of resolving it and provide you with information on other agencies who may help.

It also explains what action the Association will take to recover arrears.

Do you have difficulty paying rent?

Make Contact with the Housing Officer immediately.

Failure to do so may result in :-

- Letters issued and home visits made
- Legal action to recover rent (including court expenses)
- You cannot be considered for another house
- You may lose your home
- You may not be able to get credit

Our staff are experienced in providing advice. Ignoring the problem is not an option and can lead to the problem growing.

Our staff can assist in:-

Completing Housing benefit forms

Giving money advice and getting you in contact with other agencies

Making an affordable arrangement to pay off arrears.

Housing Benefit

If you are not working or are on a low wage you could be entitled to assistance with your rent. Even if you are unsure about entitlement it is worth pursuing. Speak to the staff or visit the Council's office's.

Repayment Arrangements

The Housing Officer will agree to an **affordable** arrangement to help you clear your debt. **Affordable** arrangements will be made taking into account your weekly income and expenditure to allow you to repay the debt at a reasonable rate. We will expect you to pay the monthly rent in full plus a proportion of the debt over a period of time.

We may ask you to pay the arrangement on a weekly basis at the office or by direct debit in order that we can see that you are keeping to the arrangement and that the debt is being managed to our satisfaction.

Keeping to the arrangement means that the Association will not require to visit you or send further warning letters.

What action do we take?

Our staff will write to you or visit you at your home. We also try to keep in touch by phone or text. No case gets ignored.

Failure to make or keep to an arrangement

Failure to agree an arrangement or the breaking of an agreed arrangement will result in the Association immediately moving onto the next stage of legal action.

This means that a Sheriffs' Officer again calls at your home this time with a summons to appear in court and giving you the opportunity to defend the action. The Association does not want to take tenants to court but the non-payment places the Association in a position that there is no alternative but to seek a decree.

Legal Action

If you fail to make suitable arrangements to repay the arrears and the arrears increase, the Association will issue a Notice of Proceedings for the Recovery of Possession (NPRP) which is a legal document giving you notice that we may start legal action at any time within the following six months if you do not take steps to repay the arrears. A decision by the Sheriff to award a decree means that you would lose your home.

Cost of legal action

All court expenses will be charged to you if the Sheriff grants a decree. You may find that the legal costs will be in the range of £300 to £500. **Making and arrangement and sticking to it costs nothing.**

What is a decree?

A decree is a written order by a Sheriff as a result of legal action. There are two types of decree. One is a straightforward decree for **repossession of the house**. The other is a **repayment decree** where the Association has the legal right to obtain payment and this can be either through your bank or place of employment. Your bank account may be frozen or your wages arrested. This action, if resulting in additional costs to the Association, will also be recharged to your account.

The Association normally asks for both types of decree and will implement whatever is most suitable for each case.

The Association has carried out many unnecessary evictions for rent arrears because tenants have not addressed the matter promptly.

How can the eviction be stopped?

You can only stop the eviction by paying the outstanding debt including court expenses. The Housing Services Manager may consider accepting a “substantial” payment with a further arrangement to clear the debt within a short period of time.

Who else can I speak to?

There are a number of Useful Contacts who can give you advice on arrears repayment but no one is better placed than your Housing Officer. You can also speak to the Housing Services Manager if you wish.

Here is a list of the people we would recommend.

Money Advice	01389 608941
Citizens Advice Bureau	0141 952 7921
Housing Benefit (West Dunbartonshire Council)	01389 737000

You can also obtain dependent advice from any Solicitor.

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