

WHAT HAPPENS AFTER AN EVICTION?

i) If you are evicted for rent arrears or anti-social behaviour, you will normally be regarded as being 'intentionally homeless' and will not be re-housed by the Council.

However, you may be entitled to temporary accommodation for up to 28 days. It is therefore advisable to contact Your Local Housing Office Roseberry Place Clydebank G811TG Telephone: (01389) 738282 who will be able to provide you with the appropriate advice and assistance.

If you are a family with children, it will be advisable to contact the Social Work Department at the earliest possible opportunity.

ii) If you are evicted for rent arrears, DPHA can arrest your wages or bank/building society accounts to recover the debt. You will also be blacklisted, and may be refused bank loans, hire purchase, or mortgage facilities.

Eviction action will always be used as a last resort and will only be taken when all other options have been exhausted. It is important you speak to your housing officer, contact your local social work office, or seek legal advice as soon as possible.

To help avoid eviction you should:

- Act early when difficulties arise
- Contact your local office below if you are having difficulties with:
 - Anti Social behaviour
 - Problems paying your rent
- Seek independent advice (see the useful information on the back of this leaflet)
- Don't put your head in the sand – act before it's too late

We are committed to equality and diversity, valuing people's differences and aim to provide a service to all of our customers. We are happy to make any of our information available in other formats and languages.

If you need this information in Braille, on audio tape, in large print or in a different language, please let us know. We will also be happy to arrange a sign or language interpreter on request. If you need any more help or advice, our staff will be happy to help.

DALMUIR PARK HOUSING ASSOCIATION

Beardmore House
631 Dumbarton Road, Dalmuir Clydebank G81 4EU
Tel 0141 952 2447 Fax 0141 951 4423
www.dpha.org.uk

ADVICE / SUPPORT AGENCIES

The Independent Resource Centre
627 Dumbarton Road, Clydebank G81 4ET
0141 951 4040

CITIZENS ADVICE BUREAU

195C Drumry Rd East
Glasgow, G15 8NS
0141 944 0205_
0141 944 2612_

COUNCIL OFFICES

Your Local Housing Office
Roseberry Place, Clydebank G811TG
Telephone: (01389) 738282



Eviction

What you need to know



Dalmuir Park
Housing Association

EVICTION – WHAT DOES IT MEAN?

If you are a tenant with Dalmuir Park Housing Association you require to meet certain conditions. If you do not meet these conditions, the Association can apply to the Courts to have your tenancy ended and you and members of your household removed from your home (evicted).

The two main conditions this normally applies to are:

- i) You fail to make payment of your rent, or
- ii) Members of your household or visitors to your home, have behaved in an anti-social manner.

HOW WILL I KNOW I AM BEING THREATENED WITH EVICTION?

You will have received letters and visits from representatives from your local housing office. You will also receive a 'Notice of Proceedings for Recovery of Possession'. This Notice is issued by DPHA, and is a warning that action may be taken to recover possession of your home. It does not mean you have to leave your home and does not affect your right to continue living in your home, or your duty to pay rent. A copy of the notice will also be served on qualifying occupants, who are able to be represented in any subsequent court hearing. A qualifying person is anyone over the age of 16 years old who lives with you.

WHY IS A NOTICE OF PROCEEDINGS ISSUED?

Because you have failed to meet one or more of your tenancy conditions (eg. non-payment of rent or anti-social behaviour).

The Notice tells you the earliest date DPHA can lodge your case in Court. DPHA can only evict you if a Sheriff grants a Possession Order (called a Decree) in Court.

WHAT CAN I DO TO STOP EVICTION ACTION BEING TAKEN AGAINST ME?

If you receive a Notice of Proceedings you should immediately contact our office to discuss the matter. At this stage it may not be too late to stop further action being taken.

You may also find it helpful to contact your local Social Work Office or The Independent Resource Centre who can assist you in areas such as income maximisation, or debt problems. These services can be accessed through DPHA.

Given the seriousness of the situation you would also be well advised to seek independent advice from either a solicitor or an independent advice agency. There are a number of organisations which may be able to assist you, details of these are set out at the back of this leaflet.

WHAT IF I RECEIVE A COURT SUMMONS?

You must act immediately. At this stage it is even more important that you seek advice from either a Solicitor or an organisation such as Shelter or Citizens Advice Bureau (see back of leaflet).

These organisations may also represent you at Court. If you are on a low income, Legal Aid may be available to pay the costs or representation. Whether or not you are represented, it is best to attend Court personally.

WILL I HAVE TO PAY COURT COSTS?

Yes. Any court action will normally result in you being held responsible for costs, which you will be required to repay.

HOW WILL I KNOW THE DECISION OF THE SHERIFF?

The Sheriff will advise of his decision at the end of the Court Hearing. You will also receive a letter from us telling you what the decision was, and how this decision is to be enforced. If you are to be evicted (that is, removed from your home) you will be advised of the date and time the eviction will take place. The permission will be sought from the Association's Management Committee to evict.

WHAT HAPPENS AT AN EVICTION?

The eviction is carried out by Sheriff Officers. They will serve a 'Notice of Eviction' to your home at least 48 hours before the eviction is due to take place. Prior to the time of the eviction you should arrange for yourself and all members of your household to vacate your home. In addition, you should also arrange for all your belongings to be removed from the house. Once you are removed from your home, the locks on the door will be changed.

HOW CAN I STOP THE EVICTION?

- If you are being evicted due to non-payment of rent arrears, full payment of the sum outstanding will normally stop the eviction. You should urgently contact your housing officer if you intend to pay the debt prior to eviction.
- If you are being evicted for anti-social behaviour then it is unlikely that the eviction will be cancelled. However, you should make contact with DPHA to discuss the situation and any assistance which may be available to you.
- It is never too late to seek advice. If you get a Sheriff Officers letter contact a solicitor or advice agency immediately. Even at this late stage, it is possible to stop an eviction if you have not had representation at the Court hearing.