

1 RENT DUE!

Help and advice about rent arrears

We understand why many households end up in rent arrears. Our procedures are geared towards providing advice and making sure that action is taken to prevent arrears occurring, or increasing.

If rent arrears build up, we will take legal steps to recover the debt.

Why are rent arrears a problem?

There is a legal agreement between you and us as landlords - in return for paying your rent you get a home.

If we do not collect all the rent due to us then the money available to provide other services, such as repairs, is reduced. Staff time is also diverted from providing other services.

Who can help?

If you find that you are having difficulty paying your rent then you should contact us immediately.

We can usually give you help and advice, such as:

- Basic debt advice and counselling
- Discussing ways to clear your debt
- Checking that you are claiming all the benefits you are entitled to
- Helping you fill in claims forms.

Let us know if you need any help, for example, if you do not find it easy to read or write letters.

If your rent arrears are due to a benefit claim please ensure the department has the relevant information to assess the claim and keep your housing officer informed of your progress.

If you would rather discuss your rent arrears with someone else, you can get advice from your local Citizens Advice Bureau or other advice agencies. Details of these organisations can be found in the 'who to contact' section.

What is a Notice Seeking Possession?

If you owe us rent or have a history of persistent non payment of rent, we can serve you with a Notice Seeking Possession. This notice is a formal way of telling you that you have arrears or regularly have arrears on your account and that you have not kept to the terms of your tenancy agreement. We will have written to you and contacted you by telephone / text or email before issuing this notice.

From the date the notice is served, we expect you to make contact with us and make arrangements to repay the arrears within four weeks. It is really important that you contact us at this point to discuss your situation and how to repay this debt. If you fail to do this after four weeks, or if payment in advance as per the tenancy agreement has not been resolved, we can apply to a county court for a Possession Hearing. The notice remains valid for 12 months, which means if you fall into arrears again we can take action using the original notice.

What is a Possession Hearing?

The court system sets a date and time to listen to you and Magna and decide what order, if any is appropriate.

The court and Magna will write to you to advise you of the date and time. We will also try to reach an agreement prior to the hearing. We strongly recommend that you attend court.

There are a number of different decisions that the court can make:

- They can award an immediate (absolute) Possession Order. This will mean that you have an agreed number of days, normally 28, to pay your arrears in full and legal costs. If you do not pay the arrears in full, we can apply to the court for a warrant to evict you or you may return the keys to us giving us possession of the property.
- If you have made an arrangement with us to reduce your rent arrears and the court thinks that you will keep to these payments, then the Possession Order may be suspended. This means that you have to pay your rent, plus the agreed amount, to reduce your arrears and comply with the order. As long as you keep to this agreement, we will not apply for a warrant for your eviction.
- The court may choose to adjourn the case, either for a given period of time, ie 14 days, to allow a cheque to clear, for example, or for a longer period of time, ie 12 months, during which time if your arrears persist or recur, a further hearing and order will be sought.

Magna will ask for costs to be awarded to Magna, to cover the court appearance fee we incur. We will normally ask that you pay all of our costs.

Eviction

If you do not pay the rent arrears, as set out in the Possession Order, we will inform you that we are applying to the court for a warrant to evict you.

You will be advised of the time and date of the eviction by the court and by Magna. You can apply to the court for the eviction to be suspended. The court will suspend an eviction only if you can show that you have tried to reduce your rent arrears and that you would continue to reduce the arrears if the warrant was suspended.

A bailiff and employees from Magna will attend the eviction. We will notify your local council's homeless section and, in some cases, Social Services about your eviction. They may offer you advice and assistance. If you are evicted because of rent arrears, your local council may decide that you are intentionally homeless and that they have no duty to re-house you.

You should remove all your belongings from your property before the eviction.

It is important to remember that if you are evicted, you still have to pay back any money that you owe us, including

the cost of changing the locks and any work we have to do as a result of damage to the property during your tenancy, including removal, storage and disposal of any possessions not removed by you.

Help and advice

If you have any questions, need help understanding this leaflet or would like it in another format, for example in large print or on audio CD, contact us.