

Unpaid rent – how to avoid court action



What you can do avoid court
action and what you need to
do if action is taken

This leaflet explains:

- What you can do to avoid court action
- What you need to do if court action is taken against you by us



How to avoid court

Common questions

I've received a Notice of Seeking Possession. What does this mean?

We have given you a Notice of Seeking Possession because you owe us rent and, so far, you haven't made an agreement with us to sort out this problem. We have given this as the first step towards taking court action against you.

What should I do?

There are several things you can do to sort this out.

- Contact us straight away for help and advice.
- Work with us to agree a repayment plan, which means paying your normal rent plus an extra amount to pay off your rent arrears. As long as you stick to this plan, we will not take court action against you.
- Make sure you claim Housing Benefit and Council Tax Benefit from your local council if you are entitled to it.
- Check whether you can claim any other benefits or tax credits.
- Keep us up to date about your situation and any progress on your benefit claims.
- Contact your local citizens advice bureau for help.

How can you help?

We don't want to take court action, and will try to avoid it by:

- giving you advice about claiming benefits or tax credits;
- helping you fill in Housing Benefit claim forms;
- helping you sort out any problems you have with claiming Housing Benefit;
- offering you extra support if you need it;
- giving you advice about money and debt if you owe other amounts; and
- referring you to other support agencies for help.

Who should I contact to talk about this?

If you want to talk to someone about paying your rent, or paying off your rent arrears, please contact the customer accounts team.

Phone: 01249 466120

E-mail: customer.accounts@westlea.co.uk

The name of the person who looks after your account is shown on all letters we send you.

Going to court

Common questions

What happens if you take me to court for not paying my rent?

If you are behind with paying your rent, we

can take you to court to get the money you owe us.

You can help us to help you by getting in touch with us straight away, telling us about your situation and agreeing a payment plan. We will do as much as we can to avoid taking you to court. Usually, you can sort this problem out without going to court if you talk to us as soon as possible.

Why are you taking me to court?

Because you are behind with paying your rent.

We have tried to get in touch with you to sort this out. However, if you have not replied to us, or not kept to a repayment plan that we have agreed with you, we will start court action.

What should I do now?

You should contact us straight away to talk about why you are struggling to pay the rent. We may be able to:

- help you claim benefits or to speed up a claim you have already made;
- give you money advice if you have other debts;
- make a payment plan with you before the hearing; and
- put you in touch with support agencies for extra help.

I have received a defence form. Do I have to fill it in and where do I send it?

You should fill in the defence form and send it to the court straight away. This is your chance to give them extra information about your personal circumstances to help them make a decision.

If you need help to fill in the defence form, please contact:

- your local citizens advice bureau (this help is free);
- a local law centre (this help is free); or
- a solicitor (who may charge you).

We don't want to take you to court, so please contact us for advice straight away. We can help you make a repayment plan to pay off your arrears. As long as you make this plan and stick to it, we will not take court action against you.

We will always write to you to let you know if we are going to take you to court.

What will happen if you take me to court?

If we go to court, we will ask the district judge for one or more of the following orders.

- **An adjournment** – this gives you extra time to sort out any issues raised during

court proceedings before the judge makes a decision.

- **An adjournment based on payment terms** – the judge will ask you to make payments to us. As long as you make them, nothing else will happen.
- **A suspended or postponed possession order** – this means that we can repossess your home in the future, but only if you do not make the payments to us that the judge asks you to.
- **A money judgment** – this is an official record that the county court keeps about your debt. It is also known as a county court judgment (CCJ) and will make it hard for you to get credit (loans and mortgages) in the future.
- **A final order for possession** – we can ask for this if you have fallen behind with rent several times before, have broken other parts of your tenancy agreement or moved out without telling us. It means the district judge will tell you to leave your home by a set date.

Who pays the court costs?

We will ask the court to charge you for any court costs.

Will I lose my home?

We don't want you to, and we will only evict you as a last resort if we have tried every other solution.

Money advice

North Wiltshire Citizens Advice Bureau

We have set up a scheme with North Wiltshire Citizens Advice Bureau to make sure you get help with:

- claiming the benefits you are entitled to;
- making your money go further;
- any financial difficulties;
- banking, and what to do if you don't have a bank account; and
- finding affordable credit (saving and borrowing from a credit union).

Please talk to us now to sort out this problem.

If you would like to find out about benefits you may be entitled to

Your Citizens Advice project worker will:

- check if you are entitled to a benefit;
- check you are receiving the right amount;
- help you to make a claim or appeal;
- help you if you have been paid too much and have to pay some back; and
- tell you how to get specialist help.

If you need help with financial problems

Your Citizens Advice project worker will help you to:

- put together a realistic budget;

- talk to people you owe money to, and agree affordable repayments; and
- deal with legal action taken against you.

You can contact the project worker by:

- e-mailing the Citizens Advice Bureau at westlea@northwiltscab.org.uk; or
- phoning 01249 445115 (extension 3).

If you would like to find out how to make your money go further

The Wiltshire Citizens Advice Bureau (North) also have a 'Money Friend', who will help you (depending on your circumstances) to:

- reduce the costs of your electricity and gas;
- get the costs of your water supply reduced;
- set up a bank account or credit union account which is suitable to your situation; and
- apply for grants.

You can contact your Money Friend by:

- e-mailing the Citizens Advice Bureau at moneyfriend@northwilts.cab.org.uk; or
- phoning 01249 445115 (extension 3).

The Wiltshire Citizens Advice Bureau's main phone numbers (for any other advice) are: 0844 375 2775 (from a landline); or 0300 456 8375 (from a mobile).

How do I make a complaint or comment about your service?

If you feel that we have treated you unfairly or dealt with your case badly, please contact the person that you were dealing with, or the Customer Accounts Manager. We will try to sort the matter out for you as quickly as possible. If we cannot do this, you can make a formal complaint.

Write to: Complaints Co-ordinator
Westlea Housing Association
Methuen Park
Chippenham
Wiltshire
SN14 0GU

Phone: 01249 465465

E-mail: enquiries@westlea.co.uk

What about if I am happy with your service?

It is always nice to know when you are happy with our service. If you think we have done something well, please tell the member of staff involved or the customer services team.



How to avoid court action leaflet

If you would like to have any part of this explained or translated, or in a different format such as in larger print, or on audio tape, please contact us on 01249 465465 to discuss your needs.

কিভাবে আদালতের সবকোশে এড়াবেন পুস্তিকা

আপনি যদি এর কোন অংশের ব্যাখ্যা অথবা অনুবাদ চান, অথবা বড়ো ছ'পার অক্ষর, অথবা অডিও টেপের মতো অন্য কোন ভাষাতে চান তাহলে আপনার প্রয়োজনীয়তা আলোচনা করার জন্যে অনুগ্রহ করে 01249 465465 নম্বর ফোনে আমাদের সঙ্গে যোগাযোগ করুন।

"如何避免法律訴訟"小冊

倘若您希望我們對該雜誌的任何部分給予解釋或提供翻譯，或以不同格式（如大字體或錄音帶）提供，請致電 01249 465465 聯絡我們，洽商您的需求。

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Ulotka o tym jak uniknąć procesu sądowego.

Jeśli wymagają Państwo wyjaśnienia jakiegoś fragmentu albo jego tłumaczenia, albo w innym formacie, takim jak duży druk, albo na kasecie audio, proszę się z nami skontaktować pod numerem telefonu 01249 465465, aby przedyskutować Państwa potrzeby.

Mahkemeye verilmekten nasıl kaçınılır broşürü.

Herhangi bir kısmının izah edilmesini veya tercüme edilmesini, ya da iri harfler veya ses bantı gibi başka bir formatta verilmesini isterseniz, lütfen ihtiyaçlarınızı konuşmak için bu numaraya telefon edin: 01249 465465.

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Chippenham SN14 0GU
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www.westlea.co.uk


Westlea Housing

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Plain English Campaign
Committed to clearer communication.

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