



WHITE HORSE HOUSING

Court Procedures



“We promote equality of opportunity in every aspect of our business in line with our objectives.”



COURT PROCEDURES

Before White Horse Housing Association can apply to Court for possession of their property, grounds to do so are required. The grounds generally used are for rent arrears, persistent rent arrears, and anti-social behaviour, there is an additional ground 12 which can be used for any other breaches of tenancy.

The majority of Court hearings are with regard to rent arrears. The Association takes rent arrears very seriously, as the income from rent is necessary for the smooth running of the organisation.

We hope that our tenants are able to maintain their rent accounts, and therefore keep their tenancy, however if rent is not paid then your home is at risk.

The Housing Managers monitor the rent accounts regularly and if you are in arrears you will receive text reminders, telephone calls or letters.

In the first instance we will give tenants the opportunity to make an arrangement to clear the arrears over a period of time.

If the arrangement is not adhered to, and the arrears increase the next step will be to issue a Notice of Intention of Seeking Possession.

A Notice of Intention of Seeking Possession is the first step towards possessing your home.

After 28 days at the expiry of the Notice the Association will then be able to apply for a Court Hearing for Possession.

COURT PROCEDURES

When the Court Hearing date is confirmed, the Courts will advise the Association and the tenant of the date of the hearing.

The tenants have the opportunity to attend the hearing, and also submit their defence (reason for the arrears) in letter form to the Judge.

The Association will generally ask the Judge to consider a 'Suspended Possession Order' in consideration of rent plus a regular amount off of the arrears.

The Association will also ask the Judge to award costs from the tenant which at the present time is £150.00. It needs to be noted that the Judge can give an 'Outright Possession Order' which in effect means that the Association can apply for a Bailiff Warrant for Eviction generally 14 days after the hearing.

Following the Judgement a Court Order for the agreed amount will be issued against the tenant, failure to uphold this will mean that the tenant will be in default of the Court Order and the next stage will be to apply to the Court Bailiff for an eviction warrant.

There is currently £110 fee for the Bailiffs Warrant and this cost will also be added to any outstanding arrears.

Any rent arrears or costs outstanding after eviction will be pursued by the Association.

If you have any difficulties paying your rent, you need to contact your Housing Managers:-

info@whitehorsehousing.co.uk Tel: 01380 850916.

If you are evicted from your home, you need to be aware that it is unlikely that you will be offered any other social housing in the future.

Local Authorities will not have any homelessness duty for any tenant evicted for rent arrears, as they will be deemed to have made themselves ‘intentionally homeless’.

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White Horse Housing Association is a Registered Society under the ‘Co-operative and Community Benefit Societies Act 2014’ (24672R) and is an exempt charity under the Charities Act 2011.
Affiliated to the National Housing Federation

This leaflet is part of the Resident Handbook and can be viewed or downloaded from www.whitehorsehousing.co.uk

