



WHITE HORSE HOUSING

Unpaid rent—how to avoid court action



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



COURT ACTION

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 are not sticking to your 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 and stick to 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.

COURT ACTION

How can we 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:

A Housing Manager, on **01380 850916**
or email: **info@whitehorsehousing.co.uk**

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

COURT ACTION

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.

COURT ACTION

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 our 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.

COURT ACTION

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 make 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 they payments to us that the judge asks you to.
- **A money judgement**—this is an official record that the county court keeps about your debt. It is also know as a county court judgement (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.

COURT ACTION

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 will only evict you as a last resort if we have tried every other solution.

White Horse Housing Association Ltd
New Hall, Market Place
Melksham
Wiltshire, SN12 6EX

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

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**

