



**Blenheim Gardens RMO
Guidance Leaflet**

**The court process explained
for rent arrears**

in partnership with



I'm being evicted because of my rent arrears. What can I do?

If you are getting behind with your rent, it's important to act quickly to avoid the risk of being evicted.

However, you cannot be evicted from your home until:

1. BGRMO has obtained a court order to repossess the property;
and
2. The court has issued a court bailiff with a warrant to evict you.

Your first step should be to check your rent book, payment statement and receipts to make sure that we are asking for the correct amount of arrears.

You should then discuss the rent arrears with us and try to come to an agreement about repayment of them. If you cannot pay the full amount you should try to pay some of the rent arrears back regularly. Please refer to our guidance leaflet *Rent: how to deal with rent arrears and other debts*.

If you receive Housing Benefit, the rent arrears may have arisen through a delay in the processing of payments. You should check any correspondence from us, and speak to our housing officer to check your entitlement to Housing Benefit. A Housing Benefit referral can be made from the estate office. If you are still unable to pay your rent arrears and think you will be evicted, you have the right to make a homeless application to Lambeth Council. Also see our leaflet, "Facts about homelessness."

If you receive a Summons for Possession this is because BGRMO (on behalf of the 'claimant') is claiming possession of property you live in. The reasons for this will be set out in the Particulars of Claim which accompany the summons form. The summons may also include a money claim for arrears.

You should therefore take action immediately. You are advised to:

- Get help and advice immediately from a solicitor or advice agency;
- Fill in a defence form and return it to the court within 14 days of receiving claim form;
- Attend the hearing, even if you have agreed about repayment of any arrears with your landlord.

Replying to the claim

Although you should normally fill in the defence form and return it to the court within 14 days, the court may accept your defence at any time before, or even at, the hearing. You should note, however, that if you do return the form after the 14-day period, the court may order you to pay any costs caused by the delay.

Paying any arrears

The court cannot accept payments. If you want to pay all or part of any arrears, send them to the claimant at the address for payment shown on the claim form, quoting the claimant's reference number, if one is given. Make sure you have a receipt for all payments made. Proof may be required if there is any disagreement. Make sure you include on your defence form details of any payments you have made since the claim was issued, saying how much was paid, to whom and when.

If I don't pay my arrears, what will happen at the court hearing?

A judge will decide whether or not to make an order for possession.

In making this decision, the judge will take account of the information provided by the claimant. The judge will also take account of any information you provide, such as details of your personal and financial circumstances, any proposal you have made to pay off any arrears, and any dispute you have about the amount owing. But the judge can only take the information into account if

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you provide it. Fill in these details in the defence form and attend the hearing. It is in your best interests to do both.

Should I attend the court?

If you are a defendant it is important to attend a hearing as this is your opportunity to tell the court about the reasons why you have fallen behind rent payments. If you do not attend, the court may make a decision to evict you. Once this decision is made by the court it is very difficult to stop the eviction from taking place. If you have a good reason, you may be able to have the proceedings adjourned to give you time to catch up on your rent arrears.

What kind of orders can the judge make?

The judge can:

- decide not to make an order for possession;
- make an order for possession but postpone it. This means that you will not have to give up possession of your home so long as you can pay off any arrears in a reasonable time (the judge will decide how long) and pay the rent as well;
- make a possession order for some future date to allow you time to move out or find somewhere else to live; or
- make an order that you give up possession in a very short time

You may also be liable to pay court costs. This cost is added to the debt and only becomes payable after you have satisfied the arrears debt.

Enforcement of a possession order

Where the court makes a possession order, the claimant can ask a bailiff to evict you if:

- You do not give up possession on the date given in the order for possession; or
- You do not make payments in accordance with the postpone order for possession.

Once a date for possession has been set by the court from 2006, you become what is legally termed a 'tolerated trespasser' in your home. Meaning that we know you are living in this property, but you have lost all your rights as a secure tenant including the Right to Repair and the Right to Buy. Please see guidance leaflet "Your 'Right to Repair' and 'Recharges for Repairs'" for these details. Any payments received after you have become a tolerated trespasser will not be counted as rent but for use and occupation of the property only.

If your circumstances change after a possession order is made, you may apply to the court for the order to be varied. Use application N244 for this which is available from any court office. You may have to pay a fee make the application. You may also apply to the court to revive your tenancy if you have breached the terms of the court order made against your home (for 2006 Suspended Orders only). You are advised to seek your own independent legal advice regarding this.

Registration of judgments

If a county court makes a money judgment (e.g. for rent arrears and costs) your name and address will be entered in the Register of County Court Judgments if the claimant has to take steps to enforce the judgment. This may make it difficult for you to obtain credit.

What happens if I am evicted?

If you are evicted you will have to find alternative accommodation for yourself and anyone else who is living with you. Tenants who are evicted for non-payment of rent are likely to be considered to have made themselves 'intentionally homeless', in which case the council would have no obligation to provide them with alternative accommodation (except for a short period to give them a chance to find another home for themselves).

The court will tell you the date and time that the bailiff will arrive. A representative from BGRMO will also be there. The locks of the

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house will be changed and any of your belongings that are still there will be cleared.

Getting help

You should seek help and advice immediately from a solicitor or an advice agency. This is particularly important whether or not you disagree with the claim since these notes cannot cover every different type of tenancy. You may qualify for assistance from the Community Legal Services (CLS) to meet some or all of your legal costs. Community Legal Advice is available on 0845 345 4345.

Court staff can only help you complete the defence form and tell you about court procedures. They cannot give legal advice. Please ask the estate office for a copy of leaflet Personal Support Unit (PSU).

Brixton Advice Centre

Phone: 020 7733 4674

167 Railton Road
Brixton
London SE24 0LU

Centre 70

Phone: 020 8670 0070

46 Knights Hill
West Norwood
London SE27 0JD

Clapham Community Project

Phone: 020 7627 0240

St Anne's Hall
Venn Street
Clapham
London SW4 0BN

Community Legal Advice

Phone: 0800 0856 643

Website: www.clsdirect.org.uk

Lambeth Citizen's Advice Bureau Phone: 020 8674 8993

Ilex House
1 Barrhill Road
Brixton
London SW2 4RJ

Lambeth Housing Services Unit Phone: 020 7926 4200

2-7 Town Hall Parade
Brixton Hill
London SW2 1RP

Lambeth Law Centre Phone: 020 7840 2000

Unit 4
The Co-op Centre
11 Mowll Street
London SW9 6BG

Fax: 020 7820 8303
Email: admin@lambethlawcentre.org

Lambeth Revenues and Benefits Service

Brixton Customer Centre
18 Brixton Hill
London SW2 1RL

Phone: 020 7649 9311

Wandsworth County Court

Phone: 020 8333 4351

76-78 Upper Richmond Road
Putney
London SW15 2SU

Fax: 020 8877 9854

Waterloo Action Group

Phone: 020 7261 1404

14 Bayliss Road
Waterloo
London SE1 7AA

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For free confidential legal advice phone 0845 345 4345

If you are worried about going to Wandsworth County Court on your own, then get in touch with the **Personal Support Unit**, preferably before the day of your hearing.

Phone: 020 8333 4366

Monday – Friday: 9.45am – 4pm

Website: www.thepsu.co.uk

Email: wandsworth@thepsu.co.uk

Ways to contact us:

Blenheim Gardens RMO

24 Prague Place

London SW2 5ED

Phone: 020 7926 0158

Website: www.bgrmo.org.uk

Email: blenheimgardens@lambeth.gov.uk

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Español: *Si desea esta información en otro idioma, rogamos nos llame al 020 7926 0158.*

Français: *Si vous souhaitez ces informations dans une autre langue veuillez nous contacter au 020 7926 0158.*

Português: *Se desejar esta informação noutra idioma é favor telefonar para 020 7926 0158*

Twi: *Se wope saa nkaeboy yi wo kasa foforo mu a fre 020 7926 0158.*

Yoruba: *Tí ẹ ba fẹ ìmoràn yíí, ní èdè Òmíràn, ẹjọ, ẹ kàn wà l'ágogo 020 7926 0158.*

