

From mountain to sea

How to Avoid Rent Arrears

May 2019



What happens if I miss a rent payment?

If, for any reason, you miss a rent payment you should contact us immediately. You will be able to talk confidentially to an Arrears Officer and come to an agreement to clear the amount due, thereby avoiding any further action being taken against you. It is important for you to take action as soon as possible before the arrears become more difficult for you to clear.

If you do not contact us, or fail to pay your arrears in full, we will then take action in accordance with our arrears policy. This could cause you to incur extra costs if we need to take Court action and could ultimately, although only as a last resort, lead you to lose your home. It is therefore very important that you contact us immediately and keep us informed at all times if you cannot pay the agreed amount. Officers are always pleased to offer assistance and advice.

Can I get help paying my rent?

Universal Credit



Universal Credit amalgamates a number of state benefits (now deemed “Legacy Benefits”) including Housing Benefit, Child Tax Credit, Income Support, Job Seekers Allowance (income based), Employment and Support Allowance (income related) and Working Tax Credits.

If you qualify for Universal Credit you may receive an element to cover housing costs within your award and will in most cases be responsible for paying your full rental charge to the Council. There are some circumstances where the housing costs included within your Universal

Credit are paid direct to your landlord. You will be advised by the DWP if this is the case. You can also choose to do this by requesting this option on your journal. You can find out more about Universal Credit here [http:// www.aberdeenshire.gov.uk/benefits-and-grants/welfare-reform/ universal-credit/](http://www.aberdeenshire.gov.uk/benefits-and-grants/welfare-reform/universal-credit/)

Housing Benefit

There some circumstances where a person may be eligible to claim Housing Benefit.

Guidance can be found on the Gov.UK website:

<https://www.gov.uk/housing-benefit>.

If you think you might qualify, you can apply online on the Aberdeenshire Council website <https://aberdeenshireclaims.teamnetsol.com/index.jsp>.

Do not delay as Housing Benefit cannot normally be backdated.

Further advice and assistance is available from the Aberdeenshire Support and Advice Team.



What steps do the Council take to recover Rent Arrears?

Stage 1

If you are in arrears at the end of your chosen payment cycle you will receive a first reminder letter. You should contact us immediately even if you think you have paid.

Stage 2

If you do not get in touch to find out why you have received the first reminder letter or make an arrangement to clear your arrears or pay in full, a second reminder will be sent one week later.

Stage 3

If your arrears are continuing to increase a Housing Officer will either contact you by telephone, e-mail, or will visit you at home. This will be to offer advice and assistance. A checklist with details of your income and expenditure will need to be completed to try to come to an affordable arrangement to pay your current rent and reduce your arrears.

Stage 4

If you fail to contact or do not keep to a payment arrangement previously agreed and arrears are increasing a letter will be sent warning of the intention to serve a Notice of Proceedings to recover the property.

Stage 5

If you still fail to take any steps to resolve the matter, one week later we will issue a Notice of Proceedings for Recovery of Possession.

Where possible and in particular situations, a visit will be made by a Housing officer prior to the Notice being served. The service of this Notice means we can now take you to Court any time you fall into arrears within a six month period after the Notice becomes effective.

In most cases the Notice will be hand served to your home by two staff members, but it may be that, on occasion, we may instruct a Sheriff Officer to serve the Notice. You will be liable for the expense of this service.

A Notice of Proceedings also requires to be served on all “qualifying occupiers” of the house. A qualifying occupier is any member of your family who is at least 16 years old or anyone else who is at least 16 years old who has the council’s permission to live in the property. You are required to update the Council about all occupancy changes.

Stage 6 & 7

If you have received a Notice of Proceedings it becomes even more important that you keep us informed of what your intentions are regarding clearing your arrears since failure to do so could result in your case being enrolled in Court. A Court Warning letter will be sent first to allow you another opportunity to contact us and then your case will be enrolled in Court. You would then incur further expenses of the Court action.

Stage 8

If you still fail to control your arrears, as a very last resort, the Council will request that the Sheriff grant a Decree at Court. Once a decree has been granted there is a 14 day appeal period. Thereafter, when the decree becomes effective, an eviction will be arranged. It is only in very severe cases that this action is taken and only if there is no other alternative.

If you are evicted you may not qualify for re-housing, however you should seek advice from your local housing office Homeless Team.

Housing Benefit, Universal Credit and Rent Arrears

It is important that you advise us at all stages if you have applied for Housing Benefit, Universal Credit or any other State Benefits, or have had a change in circumstances which may affect these, as we will take this into account in the arrears recovery process.



Stage 1
1st Reminder Letter

Stage 2
2nd Reminder Letter

Contact the Arrears Officer to make payment arrangements.

Stage 3
An Arrears Officer will contact you to offer advice and assistance, complete a checklist with details of your income and expenditure and agree an affordable arrangement.

Stage 4
Letter will be sent warning of intention to serve a Notice of Proceedings to recover the property.

Stage 5
Notice of proceedings for Recovery will be served.
Court action can be taken to repossess the property.
The notice remains live for a period of 6 months.

Stage 6
Court Warning letter to advise of Court Action.
(Court Action can still be avoided by making a suitable payment arrangement with the arrears section.)

Stage 7
The case will appear in court and tenants will incur additional court costs. (A payment arrangement can still be made until the court date which could result in the case being continued to allow arrears to be cleared.)

Stage 8
Decree Granted by Sheriff at Court and eviction arranged once decree becomes effective.
(Only payment in full can prevent eviction being carried out.)

Further Information

For more information you can contact your local housing office.

The address and telephone number can be found below.

Alternatively, go to Aberdeenshire Council's website at

www.aberdeenshire.gov.uk

Local Housing Offices

Banff: Town House, 34 Low Street, AB45 1AN

Fraserburgh: Maconochie House, Maconochie Rd, Fraserburgh, AB43 8TH

Peterhead: Buchan House, St Peter Street, AB42 1QF

Inverurie: Gordon House, Blackhall Road AB51 3WA

Stonehaven: 16/22 Allardice Street AB39 2BR

Huntly: 23-25 Gordon Street, AB54 8EQ

Telephone: 03456 08 12 03

This leaflet describes how you can avoid rent arrears.

If you need a copy in large print, Braille or in another language,
please telephone **03456 08 12 03**.

Šī brošūra skaidro kā izvairīties no īres parādiem. Ja Jums ir nepieciešams eksemplārs lielajā drukā, brailā (neredzīgo) rakstā vai latviešu valodā, lūdzu, sazinieties ar Informācijas nodaļu (Mājokļa jautājumi) pat tālruni 03456 08 12 03

В этой брошюре освещается, как вы можете избежать задолженности по арендной плате. Если вы нуждаетесь в копии, напечатанной крупным шрифтом, шрифтом Брайля или по-русски, пожалуйста, обратитесь в Информационную команду (жилищного отдела) по телефону 03456 08 12 03

ຄູ່ມືນີ້ອະທິບາຍວິທີການຫຼີກເຢັ່ງຄ່າເຮົາຕິດຄັ້ງ ຫາກທ່ານຕ້ອງການສໍານວນໃຫຍ່ ຫຼືພິມພິໄຫຼ່, ບຣາຍ ຫຼືພາສາໄທ ກຸຼລາຕິດຕໍ່ ທີ່ມື້ພາສາຂໍ້ມູນ (ແຜນກ ນ້ຳ) ໂທຣັກ໌ ໐໓໔ ໕໖໐໘ ໑໒໐໓

Ta ulotka informuje jak można uniknąć zaległości w opłatach za czynsz.

Jeśli potrzebujesz odpisu w dużym druku, Brailu lub w języku polskim, proszę się skontaktować z Zespołem Informacyjnym (Mieszkalnictwo) pod numerem telefonu 03456 08 12 03

这份传单告诉你如何避免拖欠房租。 如果你需要大号印刷字体、布莱叶盲文或中文普通话的复印件，请你拨电话 03456 08 12 03 联系（房屋）信息小组。

Si brosiura supazindina jus kaip isvengti nuomos skolu. Jei jums reikalinga kopija didelėmis raidėmis, Brailio šriftu ar lietuvių kalboje, prašau kreiptis į Informacinį padalinį (aprupinimas gyv. patalpomis) tel: 03456 08 12 03

Este folheto descreve como pode evitar alugueis atrasados. Se necessitar duma cópia em letras grandes, Braille ou em Português, contacte por favor a Equipa de Informação (Habitação) no número 03456 08 12 03