

**As a tenant with Midland Heart you are responsible for paying the rent. Rent is a priority debt and failure to make payments could result with Midland Heart going to court to evict you.**

### WHAT TO DO IF YOU HAVE RENT ARREARS.

- Speak to your landlord and explain the difficulties you are having
- Work out a personal budget so that you can make affordable payments
- Make an agreement to clear your arrears
- If you are in receipt of Jobseekers Allowance, Income Support or Employment Support Allowance you can ask for direct deductions from your benefit
- Check your entitlement to Housing Benefit which could help towards the payment of your rent
- Check if you can increase your income (increased hours at work)

### INCOME MAXIMISATION

Check to see if whether you may be entitled to any other types of benefits which could assist you financially such as Tax Credits, free school meals, Council Tax Support, disability benefits. If you are employed check your tax code.

***If you need a benefit check please contact the Midland Heart Money Advice Team on 0345 60 20 540.***

### LEGAL ACTION

If your offer of repayment is refused you should continue to pay your rent as well as any offer you have made towards your arrears. Before any legal action can commence you will receive a Notice Seeking Possession (NSP). This does not mean you have to leave your home and you will still have an opportunity to agree a payment arrangement and avoid court action.

If you have not been able to make an arrangement to clear your arrears your landlord can ask the Court to send you a Claim for Possession.

This will give you a date and time for a county court hearing. You should receive at least 28 days notice of the hearing date. This will give you an opportunity to explain why you are in arrears (i.e. change of circumstances, change in income etc.) and you can offer an amount to pay towards your arrears.

You will receive a Particulars of Claim from the court. This will outline the reasons why your landlord is seeking possession.

With this form you will also receive a form called a Defence Form which you will need to complete and return to the court within 14 days.

It is important that you complete the defence form as this will enable the court to have details about your circumstances i.e. your income, your expenditure, issues that might be affecting you and importantly the amount that you can pay towards your arrears.

## COURT HEARING

The hearing will be heard before a District Judge in a closed chamber – this means that it will be heard privately with you, your representative if you have one, a representative from your landlord and the Judge present. If you do not have a representative most courts have a duty desk providing a court welfare officer who can represent you. You should be able to explain your situation and the difficulties you are having which have resulted with arrears.

It would be useful to have your income and expenditure details with you which would confirm what you could offer towards repayment.

## COURT ORDERS

The judge will make a decision which is called an 'Order' based on what had been said during the hearing. The Order can be one of the following:

- Dismiss your landlord's action – normally if the arrears are cleared in full before the hearing.
- Adjourn the case – this allows you time to provide extra information or to resolve any issues such as housing benefit claims.
- Possession to the Landlord – Postponed on the agreement that you make regular payments as ordered by the Court. It is essential that you maintain payments otherwise further legal action could be taken i.e. a Warrant to evict you from your home could be obtained.
- Outright Possession – this means that the Judge has decided that your landlord can commence eviction proceedings. You will normally be given 28 days notice. Further help is available should you find yourself facing eviction

***If you would like any further information or advice then contact the Midland Heart Money Advice Team on 0345 60 20 540.***

**Money worries? Don't know where to turn for help?**  
Call **0345 60 20 540** and ask to speak to a Money Advisor