



Helping you to keep your home and where to get advice

Advice for **private tenants**



Glasgow's Advice &
Information Network



We have sent you this leaflet because your landlord must by law tell us when they take you to court for eviction. **Your home is at risk. Your landlord wants to recover possession of your property. We want to help you keep your home if possible.** This leaflet advises you how best to deal with your situation.

If you are confused or worried about what to do please call this free phone number now for help:

0808 801 1011

If you feel able to cope please read on and we will explain what you need to do and where you can get 'face-to-face' free & confidential help in Glasgow.



Whatever you decide
please don't do nothing.
If you ignore court
papers your landlord can
get a judgment against
you in your absence and
you may lose your home.

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1 Getting help



The prospect of homelessness often results in most people feeling anxious, frightened, depressed and unable to cope. You may feel that your world is crashing in on you. Remember, everyone facing homelessness feels like that and the first step is asking for help.

In Glasgow free legal and money advice is available to help you access your rights, take control of your life, and save your home if that is possible. This leaflet explains what you can do to help you keep your home and where you can get free legal help and support for any other problems you might have.



2 Preventing eviction



You have the right to defend legal proceedings for eviction. When you receive court papers – known as a ‘summons’ - the most important thing to do is make sure you have a solicitor or advisor to represent you in court.

So please act quickly and contact one of the free advice agencies listed at the end of this leaflet so they can represent you in court when the case first calls. You will need to meet with a solicitor or advisor prior to your case calling in court, so please remember to bring the following paperwork with you:

- the Court papers served on you,
- proof of your income,
- a recent bank statement, and
- letters from your landlord or Sheriff Officers.

Responding to the summons

When you receive the **summons** you will be asked to return a **response form** to say whether you intend to appear in court and defend the action or make a **time to pay application**. Your advisor can help you with this. Don't worry if you forget to return the response form as the case will still call in court for a first hearing.

Whatever you do please do not complete the time to pay form attached to the summons. This will seriously weaken your legal position in an eviction case and will result in a court order (decree) for payments by installment.

You will of course have to repay arrears and meet your ongoing rent. The best advice is to start paying your rent and as much as you can realistically afford to arrears until you get independent advice on a repayment plan. At the end of the day it's up to the court to decide whether a repayment plan is reasonable or not.



If the sheriff approves your payment arrangement this will prevent your landlord from obtaining an order for eviction. Once you've cleared the rent arrears you can ask for the case against you to be dismissed.

Mandatory ground for eviction

If your case calls in court and you owe more than 3 months rent your landlord can ask for a mandatory eviction order – known as 'Ground 8' – and the court may have no option but to grant this. However, if you are over 3 months in arrears because of a delay or failure in the housing benefit system your solicitor or advisor can use this to defend the case.

Short assured tenancies

If you have a short assured tenancy your landlord may be able to seek a mandatory eviction order. Your landlord can only do this if they have brought your tenancy to an end (by a valid 'notice to quit') and have given prior written notice that they will require the property back once the tenancy has come to an end. If the landlord does this correctly the court may have no option but to grant an order for eviction. Your solicitor or advisor can check this, as well as checking whether you really do have a short assured tenancy. Sometimes landlords create assured tenancies by error – these give tenants more rights.

What will happen in court?

The law empowers a Sheriff to continue or freeze (sist) an eviction case. In most cases a solicitor or advisor will broker a repayment plan and if the Sheriff thinks this is fair the case will be continued to make sure agreed payments are made. It's important not to miss any payments as this will allow your landlord to ask for an order for eviction.



In a small number of cases the court and the landlord may reject a repayment plan. If this happens it may be necessary for your solicitor or advisor to defend your case by stating a legal defence and asking for an evidential hearing to be fixed at a later date (known as a proof). In this scenario you may have to attend court to give evidence. When a case needs to be defended there are generally two types of defence.

First, it may be possible to defend your case on technical grounds. For example, if your landlord has failed to serve a valid notice to quit prior to bringing the case to court. Your solicitor or advisor can check this.

It might also be possible to defend your case on the merits. For example, if you dispute the sum of money claimed or if you complained about disrepairs and your landlord took no action then it may be that some of the rent is not lawfully due. Again, you should speak to your solicitor or advisor about this – and he or she can check this.

You might also be able to defend your case on the ground of reasonableness. In some cases the Court must be satisfied whether it is reasonable to grant an order for eviction.

Your landlords lender wants to repossess the property

If your landlord is in mortgage arrears and a bank or lender has obtained a decree against him or her, you might still be able to delay and oppose eviction. Section 152 of the Housing Scotland Act 2010 requires a lender to raise separate legal proceedings against a tenant. A court order against the landlord, as owner of the property, cannot be used to evict a tenant under an assured or short assured tenancy.

Contacting your landlord

If you do enter into a repayment plan directly with your landlord please remember that the repayment plan will not of itself prevent a court order being granted. It is always safer to get a solicitor or advisor to represent you in court to make sure the case is continued for you to make payments. This will also enable you to get the case dismissed once you've cleared the rent arrears.

3 Help to pay your rent



If your wages are low or you're in receipt of benefits you might be entitled to help from the Council to pay your rent. This is known as Housing Benefit and the amount of money you will get depends on your financial and personal circumstances.

The most important thing to remember is that you need to claim as soon as possible. If you have delayed in submitting your claim you might still be able to get it backdated so you don't lose out if you have a good reason for the delay (known as good cause). For example, you could not apply straight away as you were ill or waiting on the outcome of another benefit claim. Your solicitor or advisor can help you with this.

If you are already getting Housing Benefit but it doesn't cover all of your rent this might be because an overpayment of housing benefit is being deducted. It's worth checking with your advisor whether this could be challenged.

Alternatively, if you are not getting full Housing Benefit it might be worth applying to the Council for a discretionary Housing Payment. If successful this could result in a modest one-off payment or extra ongoing payments that could help reduce your rent arrears.

Importantly, the onus is on you to make a claim for Housing Benefit – and you can get free help to do so from one of the agencies listed at the end of this leaflet.



4 Increasing your income?



Are you able to increase your regular weekly income or obtain a one-off extra sum of money? This could help pay your rent and arrears.

The checklist below contains some suggestions – remember there could be other possibilities and you can discuss all of these with one of the free money advice agencies or citizen advice bureaux listed at the end of this leaflet.

- ✓ Are you receiving all the welfare benefits, or the correct levels of welfare benefits, you are entitled to?
- ✓ Do you have any insurance policies you might be able to claim on? For example payment protection insurance, or loss of earnings insurance? Remember even if these policies have been declined it might still be possible to get them to pay out.
- ✓ If you are not working, can you or any partner get a part-time job? If you work for 16 hours or more per week you may be eligible for Working Tax Credits which could substantially increase your income. Support might be available to help you re-train for work and develop new skills.
- ✓ If you have children and are separated are you getting all the maintenance you are entitled to?
- ✓ Are you paying too much tax? (including income tax and council tax).
- ✓ Do you own anything you could sell to raise some cash? (don't sell something you owe money on).
- ✓ If you have a spare room, can you take in a lodger? (ask your landlord for permission first).
- ✓ Have you had credit card or bank charges applied to your account(s)? Your advisor might be able to reclaim these on hardship grounds.
- ✓ Has your landlord charged you for something in addition to your rent and deposit, for example, a charge for preparing an inventory or getting references before you were granted a lease? Your advisor may be able to reclaim these costs for you.
- ✓ If you are a student, can you get a larger student loan or an emergency payment?

Free help with all of these possibilities to increase your income is available from the free money advice agencies and citizen advice bureaux listed at the end of this leaflet.

5 Reducing your spending?



Are you able to find ways of spending less money? You could put any money saved towards your rent and arrears.

The checklist below contains some examples:

- ✓ Are you repaying arrears on other debts and bills? If so it might be possible to reschedule those debts to free up some money to put towards your rent arrears. Failure to pay your rent can result in eviction so this needs to be treated as a priority debt.
- ✓ Are you finding it impossible to meet the interest and charges applied to multiple debts? Your advisor might be able to get the interest delayed or frozen and charges stopped.
- ✓ Have you taken out expensive payday loans? Your advisor might be able to help you get these loans under better control.
- ✓ If you have any personal loans can you refinance and get a cheaper rate of interest?
- ✓ Can you save some money by spending less on entertainment?
- ✓ Are you buying anything on credit that you could return?
- ✓ Can you cut back on non-essential items?
- ✓ Have you got the cheapest tariff for your mobile phone, telephone, gas, electricity, internet or insurance? It might be worth shopping around for better deals.



6 What to do if an eviction date is set



Once you have been evicted and the locks have been changed it will be too late to do anything about this. Even if a court order (decree) for eviction has been granted it might still be possible to save your home prior to the locks being changed.

It may be possible for a solicitor or advisor to lodge a minute for recall of decree. Once this is lodged at the Sheriff Court and served on your landlord it cancels the eviction until the case is reconsidered by the court. If you need to see a solicitor or advisor remember to bring the following paperwork:

- the Court papers served on you,
- proof of your income,
- a recent bank statement, and
- letters from your lender or Sheriff Officer

You will not be able to apply for a minute for recall of decree if you have already defended the case or previously applied for a minute for recall of decree in the same case.

If you have no prospect of saving your home or become homeless, the Glasgow City Health and Social Care Partnership may have a duty to provide you with temporary or permanent accommodation depending on your circumstances.

Your local Community Homeless team is listed in the next section and can give more information and help. You can also get independent advice on your legal rights from one of the advice agencies listed in the next section also.

Where to turn



City Wide - Advice Agencies

Glasgow's Advice & Information Network (GAIN)

Free & Confidential advice about money. For further info about GAIN, call the Helpline on 0808 801 1011 Mon-Fri 9am to 8pm and Saturday 10am to 2pm. Calls are free from land-lines and some mobile numbers.

Legal Services Agency

3rd Floor, Fleming House
134 Renfrew Street, Glasgow G3 6ST
Tel: 0141 353 3354 Fax: 0141 353 0354
Email: Isa@btconnect.com
Website: www.lsa.org.uk

Shelter Scotland Glasgow Community Hub

First Floor Suite 2
Breckenridge House
274 Sauchiehall Street
Glasgow, G2 3EH
Free housing advice helpline:
0808 800 4444
Website: www.shelterscotland.org.uk

Glasgow - Central Citizens Advice Bureau

First Floor, 88 Bell Street
Glasgow, G1 1LQ
Tel: 0141 552 5556 Fax: 0141 552 7878

City Wide – Glasgow City Health and Social Care Partnership – Community Homeless Services

Glasgow City Health and Social Care Partnership delivers a service to anyone who is homeless, threatened with homelessness, or is in need of advice about homelessness issues, through its Community Homeless Services.

There are three Community Homeless Services operating across the city. The address and telephone number of the Community Homeless office's are listed later in this booklet. If you are homeless or threatened with homelessness, you should call in to the office covering the area in which you are living at present. Staff will be pleased to discuss your circumstances and advise you on what will be done next to help you.

Office Opening Hours: Mon to Thur 08.45am - 16.45pm

Friday 08.45am - 15.55pm

The Council also provides an out of hours homelessness service at:

The Hamish Allan Centre
180 Centre Street
Glasgow G5 8EE
Phone: 0141 287 1800
Free phone: 0800 838 502

Out-with our office opening times you can visit the Hamish Allan Centre for assistance. There is a free phone contact number to assist customers wishing to make enquiries.

The Glasgow Housing Options Guide provides detailed and accessible information about all aspects of housing in the City and includes sections on the socially rented, private rented and owner occupation sectors. It also provides information on housing rights and links extensively across other related sites and the broader advice sector. The Housing Options Guide is available at **www.glasgow.gov.uk/housingoptions**

North West Community Homeless Service

North West Covers: Anderston, Anniesland, Blairdardie, Blythwood, Broomhill, Broomielaw, Cadder, Charing Cross, City Centre, Colston, Cowcaddens, Dawsholm, Dowanhill, Drumchapel, Finnieston, Firhill, Garnethill, Garscadden, Gilshochill, Hamiltonhill, Hillhead, Hyndland, Jordanhill, Kelvindale, Kelvingrove, Kelvinside, Keppoch, Maryhill, Maryhill Park, Milton, North Kelvinside, North Knightswood, Parkhouse, Partick, Partickhill, Port Dundas, Possil, Possilpark, Ruchill, Scotstoun, Scotstounhill, St Enoch, Summerston, Temple, Whiteinch, Woodlands, Woodside, Yoker and Yorkhill.

Drumchapel Citizens Advice Bureau

195c Drumry Road East, Glasgow, G15 8NS
Tel: 0141 944 2612 Fax: 0141 944 8066

Drumchapel Law & Money Advice Centre

Unit 1, KCEDG Commercial Centre, Ladyloan PPlace, G15 8LB
Tel: 0141 944 0507 Fax: 0141 944 5504
Email: admin@d-mac.org.uk Website: www.dmac.btck.co.uk

Maryhill & Possilpark Citizens Advice Bureau

25 Avenuepark Street, Maryhill, G20 8TS
Tel: 0141 946 6373 Fax: 0141 576 5103

North Glasgow Advice Centre

1169 Royston Road, Glasgow, G33 1EY
Tel: 0141 770 7869 Fax: 0141 770 7976
Email: ngac@btconnect.com Website: www.lsa.org.uk

North West Community Homeless Service

30 Mansion Street, Glasgow, G22 5SZ
Tel: 0141 276 6168 Fax: 0141 276 6172

North East Community Homeless Service

North East Covers: Auchinlea, Baillieston, Balmore, Balornock, Barlanark, Barmulloch, Bishop's Wood, Blackhill, Braidfauld, Bridgeton, Broomhouse, Calton, Camlachie, Cardowan, Carmyle, Carntyne, Cathedral, Craigend, Cranhill, Dalmarnock, Dennistoun, Easterhouse, Fullarton, Garrowhill, Garthamlock, Gartloch, Germiston, Greenfield, Haghill, Hogganfield, Millerston, Mount Vernon, Parkhead, Petershill, Provanmill, Queenslie, Riddrie, Robroyston, Royston, Roystonhill, Ruchazie, Sandyhills, Shettleston, Sighthill, Springboig, Springburn, Stobhill, Swinton, Tollcross, Townhead and Wellhouse.

Bridgeton Citizens Advice Bureau

35 Main Street, Bridgeton, G40 1QB
Tel: 0141 554 0336 Fax: 0141 556 5560

Easterhouse Citizens Advice Bureau

46 Shandwick Square, Easterhouse, G34 9DT
Tel: 0141 771 2328 Fax: 0141 781 1070

Greater Easterhouse Money Advice Project

Unit 2/31 Westwood Business Centre,
69 Aberdalgie Road, Easterhouse, G34 9HJ
Tel: 0141 773 5850 Fax: 0141 781 1777

Parkhead Citizens Advice Bureau

1361 - 1363 Gallowgate, Glasgow, G31 4DN
Tel: 0141 554 0004 Fax: 0141 554 0339

North East Community Homeless Service

1250 Westerhouse Road, Glasgow, G34 9EA
Tel: 0141 276 6153 Fax: 0141 276 3432

South Community Homeless Service

South Covers: Arden, Battlefield, Bellahouston, Carmunnock, Carnwadric, Castlemilk, Cathcart, Corkerhill, Craigton, Croftfoot, Crookston, Crosshill, Crossmyloof, Darnley, Deaconsbank, Drumoyne, Dumbreck, Gorbals, Govan, Govanhill, Hillington, Hillpark, Hutchestontown, Ibrox, King's Park, Kinning Park, Langside, Laurieston, Linthouse, Mansewood, Mossspark, Mount Florida, Muirend, Newlands, Nitshill, Oatlands, Penilee, Pollok, Pollok Park, Pollokshaws, Pollokshields, Priesthill, Queen's Park, Shawbridge, Shawlands, Shieldhall, Simshill, South Cardonald, Southpark Village, Strathbungo, Toryglen and Tradeston.

Castlemilk Citizens Advice Bureau

27 Dougrie Drive, Glasgow, G45 9AD
Tel: 0141 634 0338 Fax: 0141 634 0549

Castlemilk Law and Money Advice Centre

c/o Castlemilk Credit Union,
155 Castlemilk Drive, Castlemilk, G45 9UG
Tel: 0141 634 0313 Fax: 0141 634 1944

Govan Law Centre

Unit 4 & 6, 18-20 Orkney Street, Govan, G51 2BZ
Tel: 0141 440 2503 Fax: 0141 445 3934

Greater Pollok Citizens Advice Bureau

Pollok Civic Realm, 27 Cowglen Road, Pollok, G53 6EW
Tel: 0141 881 2462

Money Matters, Money Advice Centre

Unit 1, 18-20 Orkney Street, Glasgow, G51 2BZ
Tel: 0141 445 5221 Fax: 0141 445 7618

South Community Homeless Service (Continued)

Gorbals Money Advice and Law Centre

72 Commercial Road, Glasgow, G5 0RG
Tel: 0141 418 1010

South Community Homeless Service

Twomax Building, 1st Floor,
187 Old Rutherglen Rd, Glasgow, G5 0RE
Tel: 0141 276 8201 / 0141 276 6180 Fax: 0141 276 8278

Notes

If your landlord wants to evict you get advice immediately. If you ignore court papers your landlord can get a judgment against you in your absence and you may lose your home.

For Further information about Housing and Homelessness Resources in Glasgow please visit:
www.glasgow.gov.uk/housingoptions

Glasgow Health and Social Care Partnership
Homelessness Services
Commonwealth House, Floor 2, 32 Albion Street,
Glasgow, G1 1LH