



# HOUSING

- RENT ARREARS?
- MORTGAGE ARREARS?
- DISREPAIR?
- HOMELESS?
- DOMESTIC ABUSE?



# WE CAN HELP YOU WITH...



Castlemilk Law & Money Advice Centre is a registered charity. We offer free, independent, advice and representation on preventing eviction and homelessness to tenants and homeowners. We can advise those already homeless.

## HOUSING ASSOCIATION AND COUNCIL TENANTS

If you are a social tenant with rent arrears, don't ignore these. It may lead your landlord to evict you. We can advise on debt and benefits to help pay rent and arrears. We can negotiate with your landlord to avoid court action.

You will get a Notice of Proceedings before any action. This lists certain steps landlords have to

take. It gives you a short time to sort things out. During the Covid pandemic longer notice periods apply. If you do get a sheriff court Summons get advice urgently. We can represent you and try to have your case continued or put to sleep while you sort matters out.

The court will only grant an eviction order if it is reasonable in all of your personal, financial and health circumstances. The court will look at the level and circumstances of the arrears, how and why they came about, the impact of eviction on your household and what your landlord has done to help you.

Even if decree for eviction has been granted, it is often possible to postpone this and bring the matter back to court.



## PRIVATE SECTOR TENANTS

Tenants in private lets now have greater protection against eviction. For lets starting on or after 1 December 2017, there is no end date to the tenancy. However, the landlord can use one of eighteen grounds to evict. Eviction actions are raised at the First Tier Tribunal, Housing & Property Chamber. Some grounds are mandatory and others are discretionary.

During the Covid-19 pandemic, most are discretionary. The mandatory grounds will lead to eviction if the ground can be proven. In discretionary cases, the Tribunal can decide if you should be evicted. For some types of older tenancies (ie pre 1 December 2017), the landlord can still end the tenancy at the end of a given lease period. Your landlord has to issue you properly with a notice to leave. If you get one, get it checked out as if it's incorrect, the landlord can't evict you. Longer notice periods apply during the Covid pandemic.

We can offer free advice and representation including on benefits and dept to help you pay rent and arrears. We can negotiate with your landlord. We can try and have your case continued or put to sleep, at the Tribunal, to allow you to start paying.

Your landlord can't evict you without an order from the Tribunal. Even if an eviction order has been granted, it is often possible to postpone this and bring the matter back to court.



## ILLEGAL EVICTION

If your landlord changes the locks to evict you without a Court or Tribunal eviction order (even if you are in rent arrears), it is a criminal offence. Report it to the police and get a crime reference number. Get urgent legal advice. The landlord should also not harass you by eg coming in without notice, switching off utilities or being abusive.

**In some cases, you may be able to get compensation.**

## DISREPAIR IN YOUR TENANCY

For social and private sector tenants, by law your landlord must ensure that your home meets the legal repairing standard at the start of the tenancy and at all times during it. It must be wind and watertight and in a tenantable and habitable condition.

The structure and exterior of the tenancy must be in a reasonable state of repair. Your landlord must also comply with other legal duties including the fire, gas and carbon monoxide safety regulations. The installations for the supply of water, gas and electricity and for sanitation, space heating and heating water must be in a reasonable state of repair and working order, as must any fixtures, fittings and appliances provided by the landlord under the tenancy.

During the tenancy these duties only apply where the tenant notifies the landlord of work required, or the landlord otherwise becomes aware of this. So, in the first instance you should complain to your landlord in writing by recorded delivery or email, keeping a copy. If possible take photos. You have to give your landlord a reasonable time to carry out the repairs. Housing associations have timescales in which certain, especially urgent repairs should be carried out. If repairs are not done, in a social tenancy, you can bring a case to the sheriff court, and in a private tenancy, to the First Tier Tribunal, Housing & Property Chamber. You may be entitled to compensation for loss and inconvenience.

**Do not simply withhold rent, as this could lead to the landlord evicting you for rent arrears. If you are facing an eviction action for rent arrears, you may be able to ask the court or Tribunal to offset the arrears against any award of compensation.**



# HOMEOWNERS

If you have run up three months' of mortgage arrears, your lender can raise court action at the sheriff court to repossess your home. They must first give you certain information and advice and make reasonable efforts to reach an agreement with you.



If this is unsuccessful, they will issue a Calling Up Notice. Take action urgently if you receive one. After two months, if the arrears are not paid off, or a repayment plan agreed, your lender can raise a court action. Covid-19 pandemic regulations may change procedures.

We can help with debt and benefits to allow you to keep your home. We can help negotiate solutions with your lender such as reduced payments, a longer mortgage term or adding arrears to the sum due. We can ask the court to continue matters to sort something out.

We can also help you access government schemes, if appropriate, to allow you to keep ownership of your home, such as the Department For Work and Pensions' (DWP) Support for Mortgage Interest Loan (whereby the DWP pays towards a part of the interest on your mortgage) or the Mortgage to Shared Equity Scheme, where the government buys in to part of your mortgage. We can help

with debt solutions such as the Debt Arrangement Scheme (DAS) to help you pay off your arrears. If you decide that your mortgage is unaffordable in the longer term, we can assist with, if appropriate, access to the Scottish Government's Mortgage to Rent Scheme whereby they will try and broker the purchase of your home by a housing association, allowing you to rent it back; or voluntary surrender of the property to the lender. We can advise on dealing with any shortfall on your mortgage and with rehousing options.

If you receive court papers for repossession (called a Summary Application) then don't delay. We can offer legal advice and representation. The court will look at issues such as how likely you are to pay off the arrears in a reasonable time and what the lender has done to try and help you. You can ask for time to put other solutions in place. Even if you have entered a repayment arrangement with your lender, don't ignore court papers. Even if an eviction order is granted but not carried out yet, in certain circumstances it may be possible to stop the repossession and return the matter to court.



# HOMELESSNESS

People become homeless for many reasons. Your local authority has a legal duty to help people who are homeless, or threatened with homelessness, within two months. We can help you with an application. The local authority will check that you are not intentionally homeless and may check whether you have a local connection to their area. If so, then you will be offered temporary accommodation and made one reasonable offer of permanent accommodation. Get legal advice before refusing an offer. If you are vulnerable due to mental health, addiction problems, an ex-prisoner or for other reasons, a quicker route and additional support is available through Housing First via the local authority.

We can help you challenge any adverse decisions you receive on your homelessness application at any of the decision stages. There are strict timescales involved. On occasions local authorities fail to fulfil their legal duties to rehouse the homeless or even to provide them with temporary accommodation. Don't accept a refusal to let you apply, or to provide you with, temporary accommodation, without seeking legal

advice. If you are assessed as homeless the local authority has a legal duty to protect your property, including storage or arranging accommodation for pets. They can make a reasonable charge for this service.

# DOMESTIC ABUSE

"Anyone living in a social tenancy and suffering domestic abuse at the hands of the tenant or joint tenant, will be able to benefit from a proposed new police power to exclude the perpetrator from the property and from approaching the victim, until the next lawful court day. This will allow the victim a short time to consider their options.

The police will then be able to apply for a court-issued order to the same effect, lasting up to 3 months. New powers will allow landlords to apply to court to transfer or end the tenancy of a perpetrator to stop the victim having to leave the home"

**Advice and representation is available, including on benefits to help pay rent.**



You can find us at:

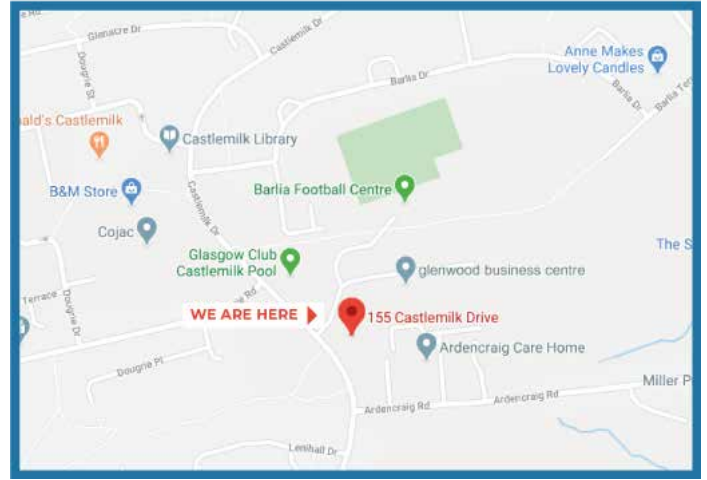
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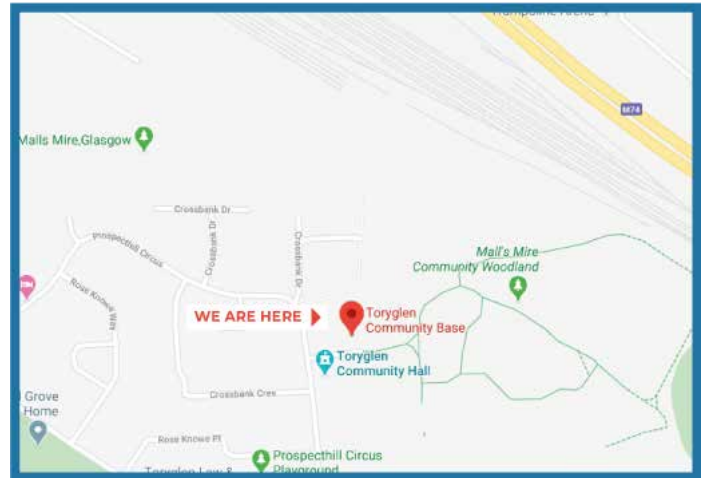


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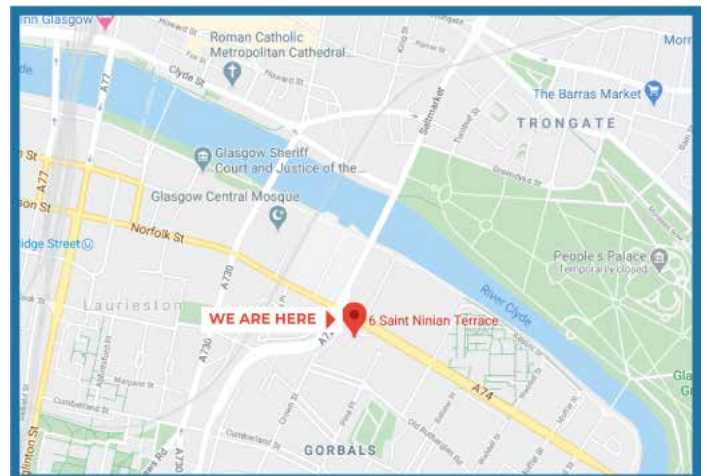


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