

How to Avoid Losing your Home



We have sent this leaflet to you because we have served you with a Notice of Proceedings. This leaflet is designed to explain what the Notice means, what you must do and what will happen if you do not pay your rent and arrears.

Notice of Proceedings – What does it mean?

A Notice of Proceedings, or NOP, is a document warning you that we may take you to court to repossess your home. It does not necessarily mean that we are taking legal action against you. A guidance note is sent with the NOP and we recommend that you read it carefully.

There are several legal grounds for eviction; the most common grounds are:

- You have rent arrears
- You, or visitors to your home, are responsible for antisocial behaviour
- You are not living in the property
- You are not maintaining your home in an acceptable standard

We may take legal action on more than one ground.


Everyone living in the household over the age of 16 should receive a copy of the NOP. We have to wait at least 28 days after we serve the NOP before we can start legal proceedings. This means that you have time to sort out the issues with your tenancy to avoid us taking legal action against you.

The NOP lasts for six months once the 28 day Notice period has expired. We can instruct legal action against you at any time during those six months if you do not resolve the problem(s) with your tenancy.

What should I do next?

Your Housing Officer is trained to help you and will do so, sensitively and in confidence. You should contact us if you haven't already done so, to agree what you need to do to avoid us instructing legal action against you.

If the NOP is for rent arrears, you need to contact us to discuss how you plan to pay your rent and clear your arrears. If you haven't been in touch with your Housing Officer to make an arrangement to repay your rent arrears, and you're not working with the Money Adviser, then you need to do this before the 28 day Notice period runs out.



If the NOP is for antisocial behaviour, the most important thing to do is prevent any more antisocial incidents from happening. Contact your Housing Officer to discuss options.

If the NOP is for non-occupancy, you should contact your Housing Officer to explain the situation. If you are not living in your home, even if you continue to pay your rent, we may take action against you. Your Tenancy Agreement states that you must live in the property as your principle home.

If the NOP is because the condition of your home is unacceptable, it is important to do what you can to put things right. Contact your Housing Officer who can put you in touch with organisations which may be able to help you.

What if I don't do anything?

If you don't resolve the problem with your tenancy and contact us to discuss the situation, we will apply to the court to repossess your home. We will let East Lothian Council Housing Access Team know that we have done this. If you have children, we will also notify the Social Work Department that there are children at risk of homelessness. As soon as we apply to the Court, legal costs of at least £350 will be incurred and we will pass these costs onto you.

What happens next?

You will receive a court summons telling you the date the legal action will be heard in court. **It is extremely important that you or someone on your behalf attends the Court hearing.**

What the Court decides to do will depend on the action you take:

- If you contact us when you receive your summons, and are working with us to resolve the problem, we can pause the action (known as sisting the action). If we do this and you go on to break any arrangements made with us, we can call the action back into Court and ask for a Decree to evict you
- If you have resolved the situation to our satisfaction, e.g. you are keeping an arrangement to pay off your arrears or you are working to bring your home up to a reasonable standard we may dismiss the action. We will still ask the Court for an Order (Decree) allowing us to charge you with the legal expenses which you will still have to pay
- If you have made no attempt to resolve the issues with your tenancy we will ask the Court to allow us to evict you. If the Sheriff agrees to do this a Decree will be granted

Even when we have been granted a Decree it doesn't necessarily mean that we will evict you but it may depend on why we were taking legal action against you in the first place. You must get help and seek independent advice at this time if you haven't already done so during the next 14 days we will contact you and to try to prevent you from becoming homeless e.g. by making arrangements with you to clear your debt if you have rent arrears. East Lothian Council will also contact you to try to prevent you from becoming homeless.

Eviction – Our last resort

We only evict as a last resort, when everything else that can be done to avoid it has failed. We do not want to carry out evictions but there are times when we are left with no option but to remove a tenant and their family from a property.

If we are granted Decree and you have not resolved the issue we will arrange for Sheriff Officers to evict you from the property, and a joiner will change the locks. East Lothian Council may arrange to store your furniture for you and provide temporary accommodation (this depends upon your circumstances) but you must contact them as soon as you know the date you are going to be evicted.

If you leave your belongings in the property, we will remove them at the time of your eviction and will keep them for up to 48 hours before disposing of them. You will be charged the cost of removing and storing any belongings, and we will not be responsible for any items that are lost or damaged during storage. If you leave pets in your home, we will ask the SSPCA to collect them.

If you are evicted, you will have Sheriff Officer fees and joinery fees to pay on top of any arrears and legal expenses. We strongly recommend that you clear the property of your belongings, clean it ready for the next tenant and hand your keys into the office before the eviction date. This will save you being charged with the costs of us having to force entry and cleaning the house for you.



Who can I get help from?

East Lothian Housing Association

Our staff can help you, or signpost you to agencies who can provide advice and support.

If you prefer not to discuss matters with us there are various other agencies who offer sympathetic, independent and confidential advice.

Citizens Advice Bureau

Haddington Office: 46 Court Street, Haddington

01620 824 471

<http://www.haddington.cab.care4free.net>

Musselburgh Office: 141 High Street, Musselburgh

0131 653 2748

<http://www.musselburgh.cas.org.uk>

Shelter Housing Advice Centre

Edinburgh Office: Ground Floor, Unit 2 Kittle Yards, Causewayside

0131 466 8031

<http://scotland.shelter.org.uk>

National Debt Line

Telephone 0808 808 4000

National Debtline has trained advisors who will help you if you have rent arrears. They can draw up repayment plans in order to get debt problems under control.

East Lothian Council

East Lothian Council provides free, independent and confidential advice in all matters relating to benefits.

www.eastlothian.gov.uk

Welfare Rights

0131 653 5230

Housing Benefit & Council Tax Enquiries

01620 827 827

Homeless Persons Unit

0800 169 1611

Our Contact Details

Through your My Home account:

<https://myhome.elha.com>

Website: www.elha.com

E-mail: enquiries@elha.com
(general enquiries)

By post or in person:

East Lothian Housing Association
18-20 Market Street
Haddington
East Lothian
EH41 3JL

Telephone: 01620 825032 (Main switchboard)
03000 999 247 (Repairline)

Fax: 01620 826596

SMS: 'elha' and then your message to 88222
(message charged at standard rates)

Office opening hours:

Monday, Wednesday & Thursday:
9am to 4.30pm

Tuesday: 10am to 4.30pm

Friday: 9am to 4pm

Live Help opening hours:

Monday, Wednesday & Thursday:
9.30am to 12 noon and
2pm to 4.30pm

Tuesday: 2pm to 4.30pm.

Friday: 9.30am to 12 noon and
2pm to 4pm

elha.com
east lothian housing association



18–20 Market Street, Haddington, East Lothian EH41 3JL

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W: elha.com E: enquiries@elha.com

T: 01620 825032 F: 01620 826596

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