

Blackfriars

Advice Centre

Guidelines to Stopping Eviction

These guidelines are to be used if you are tenant and have rent arrears. Use these Guidelines when you have an appointment with an advisor or solicitor. If you are able to prepare for the appointment, write a statement containing the information under the heading What to Include in Your Witness Statement or Affidavit. It will also help your adviser to see as many of the documents referred to in Supporting Documents as possible, so again, if you are able, get these together and sort them out in date order. The guidelines can also be used if you need to make an application yourself.

Once your landlord has got a possession warrant to evict you from home, the only way to stop this is to ask the court “suspend or stay the possession warrant”. This needs to be done on an N244 Form, ideally with a Witness Statement or Affidavit (which has to be sworn at the Court); if there is no time to prepare either a Witness Statement or Affidavit you should put your statement on the reverse side of the N244 in the section marked Part C. N244 forms and Affidavit forms can be obtained from Blackfriars Advice Centre or Lambeth County Court Office. You will have to pay a £35 court fee unless you are on Income Support (IS), Job Seekers Allowance (JSA) or Working Tax Credit (WTC).

FILLING IN THE N224 FORM:

- Tick the box asking for a hearing (this is your best chance of success).
- At “Level of Judge” ask for a “District Judge”
- Briefly state on the front of the form, the main reason why you have not kept up payments e.g. Housing Benefit (HB) problems/family problems/losing your job, etc. State here the ages of any children living with you.
- Offer to pay a realistic amount off the arrears (at least £3.05 a week if you are on benefits or at least £5 a week if you are working). Ask for a monthly order if you get paid monthly. Remember to be realistic or you will not be able to keep to the order. You can always pay more than the order if you wish. For mortgage cases you need to show that you can make your current monthly installment, plus monthly payments to clear the arrears within at least the remaining term of the mortgage.
- Any papers which you wish to put with application to prove what you are saying e.g. Housing Benefits Receipts, rent receipts, letter from Doctor, etc, can be attached to your application, and be referred to in your statement, or listed in Part C.

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WHAT TO INCLUDE IN YOUR WITNESS STATEMENT:

1. About the Property:
 - Say what your property is (e.g. 1 bed flat) & how long you have lived here.
 - If anyone lives with you give their names & say how what their relationship to you is.
 - Give the ages of any children.
2. About the Original Rent/Mortgage Arrears:
 - Say how and when you first got into rent arrears e.g. Losing a job, or the breakdown of a relationship, or illness. Give dates where you can.
 - If you do not understand why you are in arrears, or can't remember what happened, you should say this.
 - If you disagree with the arrears figure, you should say this and explain why you disagree.
3. About the Original Court Hearing:
 - Give as much information as you can remember about the original possession order.
 - You should give the date of order and if it was a suspended possession order, say the amount you were told to pay off the arrears.
 - If you attended the court hearing when the order was made, say if you had any legal advice.
 - If you did not attend the court, say why you did not attend.
4. About Missing Payments After the Court Hearing:
 - **You must include this information**
 - Explain the reasons for missing payments (e.g. Changes in your circumstances, i.e. loss of job, relationship breakdown, health problems, debt problems, not paying enough whilst waiting a long time for Housing Benefit (HB) etc.
 - Say what, if any, contact you have had with your Housing Officer/mortgage company since the hearing, including whether you made any agreement to pay off the arrears. If you have not kept to agreements, explain the reason for this.
5. About Housing Benefits:

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- If you are waiting for your benefit to be paid, say the date you applied and whether you have done anything to chase it up NB. You still need to pay your water + at least £3.05 per week off arrears.
- If you think you should have got benefit when you did not get it, say when this was and whether you applied at the time.

6. About Paying Off the Arrears:

- **You must include this information**
- If you can't afford to pay the rent plus an amount off the arrears (at least £3.05 a week if you are on benefits or at least £5 if you are working) the judge will not let you stay. For mortgage cases you need to show that you can make your current monthly installment, plus monthly payments to clear the arrears within at least the remaining term of the mortgage.
- You need to explain what is different now. This could be that you only now understand the seriousness of the situation or it may be that you have more money coming in.
- If you are working you could offer to set up a standing order or direct debit to pay the rent. (Remember to ask for monthly order if you are paid monthly), If you are in receipt of certain benefits (IS or JSA) you could offer to pay through Rent Direct. These will your case.
- If your income is high but you have a lot of expenses such as other priority debts (gas, electricity, Council Tax) you will need to explain this. It could make a difference to the amount the court will ask you to pay off the arrears on top of your current rent.
- If you can raise a lump sum towards the arrears (without causing you hardship or by obtaining a commercial loan), you should state how much and when it can be paid.
- Any lump sums of Housing Benefits due.

7. Summary

- Say what would happen to you and your family if you were evicted and whether you have anywhere else to go.

SUPPORTING DOCUMENTS:

- Your court papers (e.g. summons and orders). You can get copies from the Court Office.
- Your rent statements going back at least 1 year (you can get copies from your Housing Office).
- Your Rent Card or rent receipts. Mortgage letters and statements.

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- Letters from Housing benefit (if relevant)
- Proof of applying for Housing benefit or chasing them up (if relevant)
- Letters from your Housing Office
- Proof of income (if you are earning)
- If you are on benefit, a copy of your benefit book or a letter from the Benefit Office, stating which benefit you are currently getting
- Doctors letters/reports or hospital details where applicable

PREPARING FOR THE HEARING:

It may be that you have not been able to prepare a Witness Statement or you have not been able to write very much about your case on the N244. You will not have much time to speak at the hearing so you should not go into detail about the whole history of the rent arrears or your personal circumstances.

The main issues you need to address at the hearing are as follows:

Why you have missed Payments

- Explain the reasons for missing payments (e.g. Change of job, relationship breakdown, health problems in the family, debt problems, not paying enough whilst waiting a long time for housing benefit (HB) etc.
- If you are waiting for HB, say when you applied and what, if anything, you have done to chase it up. If you have any proof of HB receipts, show them to the judge. Remember that you still need to pay any non-rent charges (e.g. Water rates, heating, hot water etc) plus at least £3.05 per week off the arrears even when you are getting HB.
- Say if you have recently made, and kept to, an agreement with your landlord or Housing Office, to pay off the arrears.
- If you or members of your family are suffering ill health see if you can get your GP to provide you with a letter go show the judge.

Future Payments

- You need to show you can afford to pay the rent plus at least £3.05 a week.
- You need to explain what is different now. This may be something completely different e.g. A new job or a new claim for benefit, or it may be something less obvious e.g. That you now understand the seriousness of the situation, or have had debt advice so can handle your financial situation better etc.

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