

The rules on evictions and Private Renting Tenants



Introduction

Unite is aware that because of the changes to benefits recently introduced, the Bedroom Tax and Benefit cap just two high-profile examples, many people are very worried about falling behind with their rent and being evicted from their home as a result. Below we have pulled together some general information for you, and point you towards more detailed information.

There are a couple of important points to remember;

- Eviction is legal procedure and your Landlord has to follow all the proper steps in order to evict you, but the exact steps will vary depending on what type of tenancy you have.
- Whether you are a social housing tenant or private tenant you can access professional housing advice from; your council, organisations such as the Citizen's Advice Bureau and charities such as Shelter. It is never too late to get housing advice, but the sooner you do the better. You can find out what housing advice you can access in your area by looking at the advice directory on Shelter's website, <http://tinyurl.com/pqd56be>
- If you are unsure about your benefit rights and entitlement or you have other debts that you are struggling with you can contact turn2us or visit your local Citizen's Advice Bureau.

Visit www.citizensadvice.org.uk to find your nearest branch.

Visit www.turn2us.org.uk/benefits_search.aspx for their benefit calculator. Their free and confidential helpline number is 0808 802 2000 and is open Monday-Friday, 8am-8pm.

Falling into Rent Arrears and Social Housing Tenants (Council and Housing Association tenants)¹

Notice of eviction

If you are a private tenant you should check your tenancy agreement – it should tell you what the notice period that your landlord has to give you if they ask you to leave your home. Asking you to leave is the first step your landlord needs to take if they want to evict you. Most tenants are entitled to this request being in writing. The notice to leave also has to contain the following information;

- state the date that your landlord wants you to leave;
- give reasons why you are being asked to leave;
- contain specific information such as where you can get advice.

In some cases landlords do not have to give written notice before you have to leave. This normally only applies to people who share accommodation with their landlord or who are living in their accommodation on a very temporary basis.

You can get housing advice from your local council – details will be on their website. If you don't know your council's web address you can find it, and their contact details, at www.gov.uk/find-your-local-council. You can also visit www.citizensadvice.org.uk to find your nearest branch of Citizens Advice Bureau. You can find out what housing advice you can access in your area by looking at the advice directory on Shelter's website, <http://tinyurl.com/pqd56be>

Court order

If your landlord has given you notice to leave, but you haven't left by the time the notice expires, landlords usually have to apply for an order from the county court telling you to leave. This is known as a possession order.

Most tenants are entitled to stay in their accommodation until a possession order takes effect. Sometimes landlords are able to get a possession order automatically but other times they need to prove a reason to the court. There may be a court hearing.

You will know this has happened because you will receive a letter from the court with all the papers.

If your Landlord asks the Court for bailiffs

If your landlord obtained a possession order requiring you to leave your rented home, but you haven't left by the date the court order says you have to, your landlord can ask the court to arrange for a bailiff to evict you.

Bailiffs are employed by the courts. You will receive a letter from the court saying when the bailiffs will arrive. Bailiffs can physically remove you and your belongings from the property, but they must not use violence or unreasonable force in doing so.

It is often possible to apply to the court to stop the bailiffs from evicting you. Even at this late stage, if you have not already done so you should seek housing advice.

Visit www.citizensadvice.org.uk to find your nearest branch of Citizens Advice Bureau.

You can find out what housing advice you can access in your area by looking at the advice directory on Shelter's website, <http://tinyurl.com/pqd56be>

No one other than a bailiff appointed by the county court is allowed to physically remove you from the property. If anyone else attempts to do this, they could be guilty of carrying out an illegal eviction – a serious offence.



¹Information from www.England.shelter.org.uk