



Rent Arrears

If you have been told you owe rent arrears you must try to sort out the problem quickly or you could lose your home.

Use the information in this factsheet to work out what to do next.

What is rent

Rent may be the payment you make for just living in your accommodation. It might also include payment for gas, electricity, telephone and other services.

How much rent is owed

When you have rent arrears what you can do will depend on how much rent you owe and what action the landlord has taken to get the rent arrears paid.

If your landlord has gone to court for an order to evict you, you must get more advice from, for example, a Citizens Advice Bureau.

If your landlord has not taken legal action yet you may be able to negotiate about how to carry on paying your rent with some extra towards your arrears. If you owe less than three month's rent there is a good chance that you can negotiate a repayment scheme.

Checklist to work through before you negotiate with the landlord

- do you owe what the landlord says you owe. You should have a tenancy agreement or lease that states what you have to pay for rent and what it includes. Check that the total arrears matches with the number of weeks or months of rent you have missed
- is the rent being charged correct. If you pay for gas and electricity, are the amounts due the same as you agreed to pay? A landlord can increase amounts for gas and electricity but is restricted in how much can be charged. Check the limits with the local Citizens Advice Bureau
- has the landlord increased the rent legally. Both private landlords and registered social landlords (local authority, housing associations) have to follow certain procedures to increase your rent. Check with your local Citizens Advice Bureau for more information
- are you entitled to housing benefit or relevant universal credit. You should check to see if you are entitled to benefits that could help towards your arrears – check with your local Citizens Advice Bureau
- have all the payments of rent you have made been properly recorded in your rent book or the bank account you use to pay rent to your landlord
- if you are in receipt of housing benefit or relevant universal credit have you had all the benefit you are entitled to.



If you have ever paid your rent in cash and not been given a receipt you will have no evidence of payment unless there was a witness.

Contact your landlord

It is a good idea to write to your landlord with a suggestion about how you can pay off the arrears. If there is a definite reason for not having been able to pay your rent, for example, you lost your job but now have another one, it may be helpful to explain the problem.

If you want to query what the arrears are, for example, because the landlord has added in new charges, send a copy from the rent book or your tenancy agreement of what rent you thought you were due to pay and ask for an explanation of the change in charges.

How much towards the arrears

Try to only agree to pay what you can afford. This may be difficult if your landlord is insisting on a particular sum to stop him taking legal action. Remember that it can cost a landlord quite a lot of money to go to court and/or get a new tenant after you. These are points that you could make when you negotiate.

If you share the tenancy with a joint tenant/s all of you are liable for all the rent not just a part of it. This is called joint and several liability.

Public sector landlord

The local authority, housing associations and other registered social landlords should give their tenants a handbook/tenancy manual that explains clearly how to pay rent and what happens if you have rent arrears. If you don't have a copy of this, ask for another one and check that your landlord is following the procedures.

Your landlord wants to evict you

If your landlord wants to evict you because of your rent arrears, there are rules about how this can be done. The rules depend on what sort of tenancy you have. Your landlord usually has to apply for an eviction order from a court or tribunal. In most cases, they have to serve a special notice on you before they can apply for an eviction order. In some cases, more than one notice is needed. If you get a written notice that your landlord wants to evict you, talk to an experienced housing adviser straight away.

If you're a council or housing association tenant

Your landlord has to follow certain steps before it can start court action to evict you. These include trying to come to an agreement with you to make affordable repayments and helping you to claim housing benefit or relevant universal credit. Your



landlord isn't allowed to start court action to evict you for rent arrears if you have a benefit claim which hasn't been sorted out, providing certain conditions are met.

Problems with benefit payments

The local authority can decide when and how to pay your housing benefit depending on your situation. If you have arrears because of the way your housing benefit is being paid you should get in touch to explain the problem. The authority is meant to take account of your needs and the convenience of the landlord in the way that it organises payment. If you have started to claim universal credit you may need help to check that your housing costs are properly covered in your claim.

Get financial help

If your circumstances have recently changed, you might have become entitled to **welfare benefits** that would help with your financial situation. You might, for example, have been ill, or be working fewer hours. Some benefits that you might be able to get include working tax credit, child tax credit, council tax reduction and housing benefit or relevant universal credit to help you pay rent. This applies whether you're a council tenant or in private rented accommodation. If you have arrears of rent and you are claiming income support, pension credit, income-related employment and support allowance, income-based jobseeker's allowance or universal credit, you can ask the Department for Work and Pensions (DWP) to take off a fixed weekly sum direct from your benefit and pay it to the landlord. This is called a **third party deduction**. Get more help from a Citizens Advice Bureau about what you might be entitled to.

Further help

Citizens Advice Bureau

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve problems. Find your nearest CAB at www.cas.org.uk or check in your phone book.

Last updated: 24 August 2018

This fact sheet is reviewed regularly. The law changes frequently. To confirm you have the most up-to-date version, download the fact sheet from www.citizensadvice.org.uk/scotland or contact your local Citizens Advice Bureau.

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