

Rent arrears

Getting into rent arrears can be distressing and you can end up losing your home. Remember, it's your responsibility to make sure your landlord gets the rent in time. This applies whether you pay all your rent yourself or whether it's paid through Housing Benefit. You're responsible for paying your rent even if your tenancy agreement doesn't tell you when or where to pay it.

There are a number of things you can do to prevent you from losing your home if you get into rent arrears. This fact sheet tells you about some of them. But if you are in serious difficulties, you should get advice from a housing specialist. Also, if you have rent arrears, you might have other debts too. If this is the case, it might be best to get advice about all of your debts in one go. You should get help from a specialist debt adviser.

Contact your landlord

If you are getting into arrears, it can often help to contact your landlord and let them know you're having difficulties. Write a letter, explaining why you're having problems paying the rent. This could be, for example, because you've lost your job or have made a benefit claim that hasn't been dealt with. Ask if you can have more time to pay or if you could pay a reduced amount of rent for a certain period of time. Keep a copy of your letter. Don't wait until arrears build up - contact your landlord as soon as you start having difficulties.

Check the figures

If you can't sort out things informally with your landlord, get prepared for things being taken further. Start off by checking that the amount of rent owing is correct. Has your landlord recorded all your payments? You may have been asked to pay rent in advance before you moved in – if so, has this been taken into account? Have the figures been added up correctly? Are you responsible for paying all the arrears or should someone else also be paying?

If you have a rent book, you can check the figures in this. Otherwise, ask the landlord for a breakdown of the figures and check them against your own records.

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 and Housing Benefit 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 or income-based Jobseeker's allowance, 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**.

Come to an agreement with your landlord

Once you're sure how much you owe and that you're getting all your benefits, try to come to an agreement with your landlord. They might agree to let you pay back the money you owe in instalments at so much a week, on top of your normal rent. Be realistic about how much you can afford to pay each week so you know that you'll be able to keep up the payments.

If you're a council tenant, the local authority will have a policy about how they collect rent arrears. They have to be reasonable. Get hold of a copy of their policy from the housing department before you start trying to make an agreement with them.

Even if you do owe rent, it is a criminal offence for your landlord to do anything they know is likely to make you leave your home. This includes, for example, stopping you from getting into your home or disconnecting supplies of water, gas or electricity. This is called harassment and if you're being harassed in this way, you could report it to the council or to the police. However, it's best to talk to an experienced adviser before you do this.

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 court. 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 (called a **notice seeking possession**), you should 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. Your landlord isn't allowed to start court action to evict you for rent arrears if you have a housing benefit claim which hasn't been sorted out, providing certain conditions are met.

Your landlord wants their money back

Your landlord might not want to evict you, but they might want to get their money back. In this case, they could go to court to try and get their money back. If they win their case, the court will order you to pay back the arrears of rent you owe. This is called a **court order** or a **CCJ**. If you get a court order against you, it may be difficult to get credit in the future. Your landlord could also take further action against you. For example, they could:

- have money taken off your earnings
- send **bailiffs** to your home to take away goods. These can be sold to cover your rent arrears.

If your landlord applies to get a court order against you, you will be sent an official form called a **claim form**. This will tell you how much rent you owe. If you get a claim form, deal with it straight away. You might be able to argue that you don't owe the money or, if you do owe the money, you can apply to the court to pay it off in instalments.

Some landlords have the right to send bailiffs to your home to take your goods without needing a court order. If you're threatened with the bailiffs, talk to an experienced adviser as soon as possible.

The other thing that a landlord could do if you owe more than £750 is apply to make you bankrupt. This could be very serious for you as you might lose your home and business. The first stage is for your landlord to send you an official demand for the money. This is called a **statutory demand**. You must deal with a statutory demand as a matter of urgency. Talk to an experienced adviser about what to do.

You're evicted because of rent arrears

If you are homeless because you've been evicted for rent arrears, you can ask the council for help. The council may be able to rehouse you in some circumstances, for example, if you have children or are pregnant. If you're homeless because of rent arrears, talk to the housing department at your local council. You should also get advice from an experienced housing adviser.

www.adviceguide.org.uk

If you have nowhere to stay at all, you can phone Shelterline on: 0808 800 4444. This is a free helpline run by the charity Shelter, which offers emergency housing advice over the phone. The helpline is open seven days a week from 8am to midnight.

Further help

Citizens Advice Bureau

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve problems. To find your nearest CAB, including those that give advice by e-mail, click on [nearest CAB](#), or look under C in your phone book.

Other Information on Adviceguide which might help

- Help with debt
- Help with your rent - Housing Benefit
- What happens when you are taken to court for money you owe
- How County Court Judgments affect your credit rating
- Bankruptcy
- Finding accommodation
- Bailiffs

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