

# EVICTON

INFORMATION SHEET 14



## **Eviction: What does it mean?**

If you are a tenant with Easthall Park Housing Co-operative, you must adhere to certain conditions.

If you do not adhere to these conditions, we can apply to the Courts to end your tenancy and you and members of your household will be evicted from your home.

There are generally two main circumstances in which a tenancy can be evicted:

- If you fail to pay your rent
- If you, members of your household or visitors to your property have behaved in an anti-social manner

## **How will you know if you are being threatened with eviction?**

You will have received letters from the Co-operative and your Housing Officer will have visited you.

You will receive a "Notice of Proceedings for Recovery of Possession". This notice is issued by the Co-operative and is a warning that we may take action to repossess your home. This notice does not mean you have to leave your present home or affect your duty to pay rent.

## **Why do we issue a Notice of Proceedings?**

We issue a notice because you have failed to meet one or more of our tenancy conditions (e.g. you have not paid your rent or have behaved in an anti-social manner).

The notice tells you the earliest date we can take your case to court. We can only evict you if a Sheriff grants a possession order (called a decree) in court.

## **What can you do to stop the Co-operative taking eviction action?**

If you receive a Notice of Proceedings, you should contact your Housing Officer immediately to discuss the matter. At this stage it may not be too late to stop us taking further action.

The Co-operative will have notified the local Social Work and Homeless offices to inform them of this action.

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Because of the seriousness of the situation, you may also want to get independent advice. There are a number of organisations which can help you – some of them are detailed at the back of this leaflet.

### **What if you receive a Court Summons?**

You must act immediately.

At this stage it is even more important that you seek advice from a solicitor or an organisation such as Shelter or Citizens Advice Bureau (see contact details at the back of the leaflet).

These organisations may also represent you at Court. If you are on a low income, Legal Aid may be available to pay the costs of representation. Whether or not you are represented, it is best to attend Court personally.

### **Will you have to pay Court Costs?**

Yes. Any court action will result in you being held responsible for costs.

### **How will you know the decision of the Sheriff?**

The Sheriff will advise of his decision at the end of the court hearing. You will also receive a letter from the Co-operative telling you what the decision was and what action the Co-operative will be taking. If you are to be evicted, you will be advised of the date and time the eviction will take place.

### **What happens at an Eviction?**

The eviction is carried out by Sheriff Officers.

Prior to the time of the eviction you should arrange for yourself and all members of your household to vacate your home. Moreover, you should also arrange for all your belongings to be removed from the house.

Once you are removed from your home, the locks on the door will be changed. Your tenancy with the Co-operative has now formally ended and your membership cancelled.

## How can I stop the Eviction?

If you are being evicted due to not paying your rent arrears, full payment of the sum - including outstanding legal expenses - will normally stop the eviction action. You need to urgently contact the Co-operative if you intend to pay the debt prior to the eviction.

If you are being evicted for anti-social behaviour it is unlikely the eviction will be cancelled. You should however contact the Co-operative to discuss the situation and any assistance which may be available to you.

It is never too late to seek advice. If you get a Sheriff Officer letter contact a solicitor or advice agency immediately. Even at this late stage, it may be possible to stop an eviction if you have not had representation at the court hearing.

## What happens after an Eviction?

1. If you are evicted for rent arrears or anti-social behaviour, this may affect your chances of being rehoused by another housing association or local authority.

You will however be entitled to advice, support and assistance from the Glasgow City Council Homeless Department. This may include the provision of temporary accommodation.

2. If you are evicted for rent arrears, the Co-operative can arrest your wages or bank/building society accounts to recover the debt. You will also be credit blacklisted, and may be refused bank loans, hire purchase or mortgage facilities.

## How to avoid Eviction

It is important to note eviction will always be used as a last resort. It will only be taken when all other options have been exhausted.

To help avoid eviction you should:

- Act early when difficulties arise
- Contact the Co-operative if you are having difficulties with rent arrears or anti-social behaviour
- Seek independent legal advice
- Don't put your head in the sand - **act before it's too late**

## Advice and Support Agencies

Shelter  
Glasgow Housing Aid Centre  
1st Floor  
Suite 2  
Breckenridge House  
274 Sauchiehall Street  
Glasgow G2 3EH  
Phone: 0808 800 4444

Easterhouse Citizens Advice Bureau  
46 Shandwick Street  
Glasgow  
G34 4RZ  
Phone: 0141 771 2328

Glasgow City Council Easterhouse Homeless Service  
33 Burnmouth Road  
Glasgow  
G33 4RZ  
Phone: 0141 276 6153

Glasgow City Council Easterhouse Social Work and Housing Benefit Services  
Westwood House  
1250 Westerhouse Road  
G34 9AE  
Phone Social Work: 0141 276 3406 Phone: Housing Benefit: 0141 287 1270

Greater Easterhouse Money Advice Project  
Westwood Business Centre  
69 Aberdalgie Road  
Easterhouse  
G34 9HJ  
Phone: 0141 773 5850

We always welcome your views and comments about improving our service.

If you would like this leaflet in another format, for example in large print or on tape, or in another language, please contact reception.

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