

NORTH VIEW Housing Association

North View is a registered Scottish charity – charity registration number SC032963

RENT ARREARS – DECREE CASES (October 2019)

Reference Number: 1555/1495

Current Arrear: £2748.52

Monthly Rental Charge: £397.77

Household Composition: Tenant & 1 child over 16

		Arrear
Legal Action Commenced	17 th April 2013	£2220.10
Notice "Live"	27 th March 2019	
Renewal Date	27 th August 2019	
Legal Action	On 2.7.13, HO instructed Solicitor to apply for a court date.	£2198.74
Legal Action	Case called to court on 4.9.13 and was continued until 2.10.13.	£2702.26
Legal Action	Case called to court on 2.10.13 and was continued until 30.10.13.	£2979.02
Legal Action	Case called to court on 30.10.13 and was continued until 8.1.14.	£3305.78
Legal Action	Case called to court on 8.1.14 and was continued until 2.4.14.	£1861.02
Legal Action	Case called to court on 2.4.14 and was sisted.	£1351.97
Legal Action	HO instructed Solicitor to have sist recalled at court on 4.8.14.	£951.16
Legal Action	Case called to court on 27.8.14 and was continued until 10.9.14.	£739.64
Legal Action	Case called to court on 10.9.14 and Proof was fixed for 5.11.14.	£975.39
Legal Action	Case called to court on 5.11.14 and was continued until 14.1.15.	£715.29
Legal Action	Case called to court on 14.1.15 and was continued until 11.3.15.	£521.09
Legal Action	Case called to court on 11.3.15 and Diet of Assessment was set for 9.4.15.	£172.75
Legal Action	Case called to court on 9.4.15 and was continued until 22.4.15.	£206.13
Legal Action	Case called to court on 22.4.15 and a Decree for Expenses was granted.	-£109.51
Legal Action	On 2.7.19, HO instructed Solicitor to apply for a court date.	£2245.21
Legal Action	Case called to court on 2.10.19 and a Decree was granted.	£2748.52
Legal costs incurred	£1778.06	
Legal costs to be paid by tenant	£1963.58	
Decree granted	Decree for Expenses granted on 22.4.15 & Decree for Ejection, payment	

	and expenses on 2.10.19.	
Payment method	Standing Order	
Monthly Housing Benefit	Nil	
Assistance	-	
Over 13 weeks in arrear	Yes	
Arrangement in place	There is an arrangement in place for tenant to pay £450 monthly.	
Reason for Initial Arrear	Tenant was responsible for paying full rent and failed to do so.	

This case has been subject to ongoing legal action, as noted in previous reports. The current situation with the case is as follows:-

Tenant failed to make a payment at the end of October 2018. On 31st October 2018, the Housing Officer phoned the tenant to discuss. They agreed to make payment immediately but no payment was received.

On 7th November 2018, the Housing Officer lettered tenant to contact the office immediately. On 19th November 2018, the tenant came into the office and agreed to increase monthly payments to £525. Tenant failed to make a payment in November 2018 but they paid £250 on 3rd December 2018 and £250 on 4th December 2018. Tenant failed to make a payment at the end of December 2018.

On 19th January 2019, the Housing Officer instructed Solicitor to serve a Notice. On 22nd January 2019, the tenant phoned the office to advise that they would pay £525 on 31st January 2019. Tenant failed to make a payment.

On 5th February 2019, the Housing Officer lettered tenant to contact the office immediately. On 12th February 2019, the tenant phoned the office and made an appointment to see the Housing Officer on 15th February 2019. However, tenant failed to attend for interview. On 18th February 2019, tenant phoned the Housing Officer to advise that they would pay £525 towards their rent account as soon as possible. Tenant failed to make a payment towards their rent account in February 2019.

Tenant paid £220 towards their rent account on 6th March 2019. On 7th March 2019, the Housing Officer lettered tenant to pay £830 by 27th March 2019, to avoid further legal action. On 12th March 2019, tenant phoned the office and made an appointment to see the Housing Officer on 20th March 2019. Tenant came into the office to advise that they were experiencing financial difficulties, due to Council Tax arresting their wages. They agreed to pay £550 on 31st March 2019 and monthly thereafter. Tenant paid £550 towards their rent account on 31st March 2019.

Tenant failed to make a payment towards their rent account in April 2019. They paid £450 on 2nd May 2019. On 31st May 2019, the Housing Officer phoned tenant and they advised that they would pay £600 that day. However, no payment was made.

On 3rd June 2019, the tenant came into the office to advise the Housing Officer that they were struggling financially. Tenant paid £450 and it was agreed that future monthly payments could be reduced to £450. No payment was received at the end of June 2019 but tenant paid £340 on 1st July 2019.

On 2nd July 2019, the Housing Officer instructed our Solicitor to apply for a court date. Tenant paid a further £200 in July 2019.

On 27th August 2019, confirmation was received from our Solicitor that case would call to court on 2nd October 2019. Tenant paid £440 in August 2019 and £150 in September 2019.

Case called to court on 2nd October 2019 and a Decree for Ejection, payment and expenses was granted. The Association will receive Extract Decree in approximately two weeks' time.

It is recommended that, once the Extract is received, the Association instructs its Solicitor to serve a Charge on the tenant, giving them two weeks' notice of the date and time of eviction and, unless the arrear and legal expenses are cleared in full, the Association proceeds with eviction.

Reference Number: 1582/1522

Current Arrear: £3593.98

Monthly Rental Charge: £354.06

Household Composition: Tenant only

		Arrear
Legal Action Commenced	6 th February 2015	£1,195.44
Notice "Live"	-	
Renewal Date	-	
Legal Action	HO instructed Solicitor to apply for a court date on 1.4.15.	£1,499.88
Legal Action	Case called to court on 17.6.15 and was continued until 29.7.15.	£1,611.04
Legal Action	Case called to court on 29.7.15 and was continued until 21.10.15.	£1,622.20
Legal Action	Case called to court on 21.10.15 and was continued until 16.12.15.	£1,233.36
Legal Action	Case called to court on 16.12.15 and was sisted.	£944.52
Legal Action	HO instructed Solicitor to have sist recalled at court on 8.7.16.	£2,168.81
Legal Action	Case called to court on 31.8.16 and was continued until 26.10.16.	£1,842.89
Legal Action	Case called to court on 26.10.16 and was continued until 21.12.16.	£1,679.93
Legal Action	Case called to court on 21.12.16 and a Decree was granted.	£2,114.01
Legal Action	HO instructed Solicitor to apply for a court date on 5.1.18.	£1,951.47
Legal Action	Court case on 28.2.18 cancelled due to bad weather.	£2,309.33
Legal Action	Case called to court on 25.4.18 and a Decree was granted.	£2,650.59
Legal Action	Minute for Recall received on 1.6.18.	£2801.58
Legal Action	Case called to court on 4.7.18 and was continued until 26.9.18.	£2942.84

Legal Action	Case called to court on 26.9.18 and a Decree was granted.	£2099.24
Legal Action	HO instructed Solicitor to apply for a court date on 1.8.19.	£2885.86
Legal Action	Case called to court on 9.10.19 and Decree was granted.	£3593.98
Legal costs incurred	£3102.77	
Legal costs to be paid by tenant	£328.56	
Decree granted	21.12.16, 25.4.18, 26.9.18 & 9.10.19	
Payment method	Swipe Card	
Monthly Housing Benefit	Nil	
Assistance	-	
Over 13 weeks in arrear	Yes	
Arrangement in place	Tenant agreed to pay £600 monthly.	
Reason for Initial Arrear	Tenant was liable to pay full rent but failed to do so.	

This case has been subject to ongoing legal action, as noted in previous reports. The current situation with the case is as follows:-

Case called to court on 26th September 2018 and a Decree for Ejection, payment and expenses was granted. The Extract Decree was received on 15th October 2018. Tenant cleared the arrear and outstanding legal expenses on 21st November 2018.

Tenant failed to make a payment towards their rent account in January 2019. On 6th February 2019, the Housing Officer lettered tenant to contact the office immediately. On 13th February 2019, the tenant phoned to advise that they received a Universal Credit payment in January 2019 but they didn't realise it included a rent payment. Tenant advised that they would pay £370 on 24th February 2019. An appointment was made for tenant to see the Welfare Rights Officer but they failed to attend. On 27th February 2019, the Housing Officer phoned tenant and left a message on their voicemail to contact the office immediately. Tenant failed to make a payment towards their rent account in February 2019.

On 6th March 2019, the Housing Officer lettered tenant to contact the office. On 12th March 2019, tenant phoned to advise that they would pay £340 on 25th March 2019 but they failed to make payment. The Housing Officer phoned tenant on 26th March 2019 and 28th March 2019 and left messages for tenant to contact the office. On 29th March 2019, tenant phoned to advise that they would commence weekly payments of £115 on 4th April 2019.

Tenant only paid £220 towards their rent account in April 2019. On 30th April 2019, the Housing Officer phoned tenant and they advised that they had started a new job. Tenant entered into an arrangement to pay £600 on 27th May 2019 and monthly thereafter. Tenant failed to make a payment towards their rent account in May 2019.

On 7th June 2019, the Housing Officer lettered tenant to contact the office immediately but they failed to respond. On 13th June 2019, the Housing Officer lettered tenant to attend a Housing Options Tenancy Sustainment interview on 18th June 2019 but they failed to attend. The Housing Officer instructed our Solicitor to serve a Notice.

On 25th June 2019, the Housing Manager phoned tenant but got no reply. A message was left, asking tenant to contact the office urgently but they failed to respond. On 28th June 2019, the Housing Officer phoned tenant but got no reply. Again, a message was left asking tenant to contact the office immediately but they failed to respond. Tenant failed to make a payment

towards their rent account in June 2019.

On 10th July 2019, the Housing Officer lettered tenant to pay £600 immediately and a further £600 by 27th July 2019 to avoid a court date. On 22nd July 2019, tenant was again lettered. On 23rd July 2019, the Housing Officer phoned tenant but got no reply. A message was left asking tenant to contact the office immediately but they failed to respond. On 31st July 2019, the Housing Officer visited tenant but no-one was home. A card was left, asking tenant to contact the office immediately but they failed to respond. Tenant failed to make a payment towards their rent account in July 2019.

On 1st August 2019, the Housing Officer instructed our Solicitor to apply for a court date. On 6th August 2019, the Housing Officer lettered tenant to contact the office immediately but they failed to respond.

On 13th August 2019, confirmation was received from our Solicitor that the case would call to court on 9th October 2019. The tenant was lettered on 21st August 2019 but they failed to respond. On 28th August 2019, the Housing Officer phoned tenant but got no reply. A message was left, asking tenant to contact the office immediately. Tenant failed to make a payment towards their rent account in August 2019.

Tenant was lettered on 10th September 2019 and 20th September 2019 but they failed to respond. The Housing Officer phoned tenant on 26th September 2019 and left a message on voicemail, asking tenant to contact the office immediately. Again, they failed to respond. Tenant failed to make a payment towards their rent account in September 2019.

Case called to court on 9th October 2019 and a Decree for Ejection, payment and expenses was granted. The Association will receive Extract Decree in approximately three weeks' time.

It is recommended that, once the Extract is received, the Association instructs its Solicitor to serve a Charge on the tenant, giving them two weeks' notice of the date and time of the eviction and, unless the arrear and legal expenses are cleared in full, the Association proceeds with eviction.

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