

## Secure tenants

We have given you a  
'Notice seeking  
possession'  
– what happens next?



A fresh approach to people, homes and communities

We have served you with a notice of seeking possession because you are breaking the conditions of your tenancy.

This means that if you are still breaking the conditions of your tenancy when the notice runs out, we will ask the court to make a decision about the future of your tenancy.

## What does the notice tell me?

The notice tells you why we are taking legal action and gives you 28 days notice that we are going to ask the court for a possession order.

At the end of the 28 days, if you are still breaking the conditions of your tenancy, we will ask the court to arrange a date to hear your case.

If the court agrees with us, they can make an order to end your tenancy and evict you.

## What should I do?

It is not too late to stop legal action. Evicting you is our last resort. We want to work with you to help you meet the conditions of your tenancy and keep your home.

If we served you the notice because you are in rent arrears or owe us money, you must contact our rents team. The letter we gave you with the notice tells you how to contact them.

If you cannot pay off the debt in one go, we will make an agreement with you to pay your rent plus an extra fixed amount each week until your rent account is clear. As long as you stick to the agreement we will not take any further action.

We will also make sure that you are claiming any benefit that you may be entitled to.

If the notice is for any other reason, for example, you have not looked after your garden, you must contact your Impact Team. Again, the letter we gave you with the notice tells you how to contact them.

An Impact Officer will tell you what you need to do to stop us taking any further action. As long as you stop breaking the conditions of your tenancy we will not take any further action.

## Can I get any independent advice?

You can contact the citizens advice bureau at 1 Shambles Street, Barnsley, (phone 01226 206492) or visit a Housing Law Centre.

You can ask a solicitor to help you, but this may cost you. We will not pay any of these costs.

## How long does the notice last?

A 'notice of seeking possession' lasts for 12 months, even if we decide not to ask the court to hear your case.

## We cannot act on a notice if:

- we served it more than 12 months ago and we have not asked the court to hear the case before the end of the 12 months; or
- you keep to the conditions of your tenancy after we have served the notice. For example, if the notice was for rent arrears and you pay all your rent arrears off before we ask the court to hear your case.

But, if we served the notice less than 12 months ago and you are still breaking the same conditions of your tenancy, we do not have to give you another 'notice of seeking possession'. We can simply ask the court to hear your case.

You will be responsible for paying any court costs.

## What will the court do?

The court will tell you the date of the court hearing. The judge, after listening to our case and your defence, will decide whether it is reasonable or fair to evict you. The judge will usually make one of three decisions.

- The judge can agree with us and give us a possession order. This means you will have to leave your home by a date set by the court. This can be straight away or up to six weeks later if the court feels there are special circumstances.
- The judge can agree with us but order you to follow a certain path of action to stop you being evicted. This is called a 'suspended possession order'. For example, the court may order you to pay your rent plus £5 every week. As long as you keep to this order we cannot evict you. But if you do not, we can go back to the court and ask for an eviction warrant.
- The judge can disagree with us and stop any further action. You will keep your home and we will have to withdraw our notice against you. This does not mean that we cannot take action against you in the future. In this case, we will have to pay any court costs.

## Can I go to court?

Yes, you can go to court yourself or ask a representative to present your case. You can ask for a solicitor to act on your behalf. You can also call witnesses to support you. You or your representative can ask questions of any witnesses who give evidence against you. You will be responsible for the cost of any legal fees.

## What if the court agrees to evict me?

The court will give you a date by when you must leave the property. If you do not leave by this date we will ask the court for an eviction warrant. This means that the bailiffs will call at your home on a date set by the court and remove you and your belongings from your home. You will have to pay for any costs.

If we evict you, you will be homeless. In most cases the council may not be responsible for rehousing you as you may be classed as being intentionally homeless. If you want more advice about homelessness, please contact the Homelessness and Housing Advice Service on 01226 773870.

## What if I want to appeal against the notice?

You do not have a right to appeal against the notice, but please contact us if you feel that we have served the notice for unfair or inaccurate reasons.

When we served the notice, we gave you a letter with a contact name and phone number – get in touch with this person. We will listen to what you tell us and decide whether to withdraw the notice. We will not withdraw a notice because you promise to put things right, only if we were wrong to have served it.

## Remember!

Your home is at risk if you do not follow the conditions of your tenancy. We want to work with you to solve your problem and help you keep your home.

Please contact us to discuss this notice and what to do next.



**A fresh approach to people, homes and communities**



If you need help understanding this information, please ask one of our staff, or contact Customer Services by phoning **01226 772720**

আপনার যদি এই তথ্য বুঝার জন্য সাহায্যের প্রয়োজন হয়, তবে অনুগ্রহ করে আমাদের কোন একজন স্টাফকে জিজ্ঞাসা করুন, অথবা গ্রাহক পরিসেবায় যোগাযোগ করুন, টেলিফোন 01226 772720

अगर आप इस जानकारी को समझने में सहायता चाहते हैं तो कृपया हमारे किसी कर्मचारी से पूछें, या उपभोक्ता सेवा, टेलीफोन 01226 772720 पर संपर्क करें

Jeśli nie rozumieją Państwo tych informacji i potrzebują pomocy, mogą Państwo poprosić o pomoc kogoś z naszych pracowników lub zadzwonić pod numer telefonu: 01226 772720 (Biuro Obsługi Klienta)

Если вам требуется помощь в понимании этой информации, обратитесь к нашим сотрудникам или позвоните в Отдел обслуживания клиентов по телефону 01226 772720.

اگر آپ کو ان معلومات کو سمجھنے کے لئے مدد کی ضرورت ہے، تو براہ مہربانی ہمارے عملے کے کسی رکن کو پوچھیں، یا کسٹمر سروسز سے رابطہ کریں، ٹیلیفون 01226 772720

اذا كنت بحاجة للاستفسار عن هذه المعلومات، رجاء اطلب المساعدة من احد الموظفين او اتصل بخدمات الزبائن على الرقم 01226772720

إذا كنت بحاجة للاستفسار عن هذه المعلومات، رجاء اطلب المساعدة من احد الموظفين او اتصل بخدمات الزبائن على الرقم 01226772720

如果您需要协助，以便更好地了解该信息，请与我们联系，或致电客户服务：01226 772720。



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April 2008

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