

Useful Contacts

Castlemilk Citizens Advice Bureau

27 Dougrie Drive
Castlemilk
G45 9AD
634 0338

Castlemilk Law and Money advice centre

155 Castlemilk Drive (1st floor)
Castlemilk
G45 9UG
634 0313

Social Work Services

0141 287 0555
www.glasgow.gov.uk

Glasgow City Council

South East Community Casework Team
Rowanpark
Ardlaw Street
Govan
G31 3RX
276 8201

Shelter

Glasgow Housing Aid Centre
1st Floor, Suite 2
Breckenridge House
274 Sauchiehall Street
Glasgow
G2 3EH
0844 800 4444

Samaritans

210 West George Street
Glasgow
G2 2PQ
Freephone 116 123

Breathing Space

Free phone 0800 83 85 87



EVICTIION

YOUR QUESTIONS ANSWERED

What is meant by eviction?

Eviction is when your landlord obtains a court order to remove you and your family from the home you are living in.

Why would the Association take this action against me?

If you are a tenant of the Association, you will have signed a tenancy agreement outlining the responsibilities that require to be met to enable you to stay in your home. Eviction will be considered when the obligations of the tenancy are broken. The most common reasons for this are non payment of rent or anti social behaviour. Your Housing Officer will already have told you the conditions that have been breached.

How will I know when legal action has started?

You will be served with a legal document called a Notice of Proceedings. It will either be hand delivered or sent to you by recorded delivery post. This is the first step in the legal action process. Under legislation, your landlord is required to serve Notice on the tenant of the property and every known household member over 16 years old that we may enter your case into court. The Notice is valid for a period of 6 months and states the earliest date we can take your case to court. At this stage your rights are not affected, and you can remain within the property.

Is there any way to avoid going to court after being served with a Notice of Proceedings?

Yes. If you receive a Notice of Proceedings you should contact your Housing Officer immediately. They will discuss with you what action you are required to take to avoid going to court.

What will happen if I take the agreed action?

Your case will be monitored and the Notice of Proceedings will expire.

What happens if I fail to take the agreed action?

The Association will apply to the court with the intention of seeking an order to evict. At this stage, we also have a duty under Section 11 of the Homelessness etc (Scotland) Act 2003 to notify the local authority that you are potentially homeless. They will contact you directly to offer assistance.

What should I do if I receive a court summons?

It is vital that you contact your Housing Officer to discuss. The association will always be willing to enter into dialogue with you with a view to resolving the situation. You may also wish to seek independent advice from the contacts contained in this booklet.

Do I need a solicitor to go to court on my behalf?

No. It is possible to attend court yourself on the date of the calling to ensure that the Sherriff hears what you have to say. If you decide to instruct a solicitor to appear on your behalf, you will be liable for any costs incurred. In certain circumstances, an application may be made for legal aid.

What will happen at the court hearing?

The Association will have instructed our solicitor what our preferred outcome of the hearing is. This will be dependent on the conduct of the tenancy from when the Notice of Proceeding was served. If the Association wishes still to crave an eviction decree, our solicitor will put forward our case and our reasons for our decision. You or whoever is acting on your behalf will also have the opportunity to have your say. The Sherriff will then make his decision based on what he has heard. We will always write to you with this decision.

If an order to evict is granted, is there anything I can do to remain in my home?

If the order has been granted on the grounds of rent arrears, the Association may consider allowing you to remain if you are in a position to clear the balance and any court expenses in full. If it is granted for anti social behaviour, it will be unlikely we would allow you to continue to occupy your home. In all cases please seek immediate advice from the Association or another independent source.

What is the process for eviction?

The Association will write to you advising the date and time that the eviction will take place. You should seek to have your belongings removed from the property prior to this time. Staff from the Association, Sherriff Officers and a joiner will call at the specified time. The locks will be changed and you will be required to leave.

Where will I go after eviction?

It is important that you obtain the correct advice in respect of your individual circumstances. You should contact Glasgow City Council for advice on homelessness.

If I am evicted for rent arrears, what happens to the debt?

If you are evicted due to rent arrears, the balance is still due to be paid by you. You should contact the Association as soon as possible to set up a repayment arrangement. Maintaining a payment agreement may assist your chances of being offered another tenancy in the future.

REMEMBER YOU CAN REDUCE YOUR CHANCES OF BEING EVICTED IF YOU COOPERATE AND COMMUNICATE WITH YOUR LANDLORD AT ALL STAGES OF THE PROCESS.