

CONTACT INFORMATION

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hebridean housing
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Registered Charity No: SC035767

Industrial & Provident Society Registration No: 2644R(S)

Facing Court Action

This leaflet explains the process when Hebridean Housing Partnership has applied to the Sheriff Court for an order to evict.



Registered Charity No: SC035767

A Registered Society under the Co-operative and Community Benefit Societies Act 2014: 2644R(S)

Registered Property Factor: PF000183

Picture taken from HHP homes at Pairc Niseabost,
Horgabost, Isle of Harris



How To Prevent Eviction And Keep Your Home



As a tenant of HHP, you must keep to the terms of your tenancy agreement. This means that you must pay your rent on time, look after your home and not act in a way that causes a nuisance to others. You are liable for payment of rent including any arrears.

If you experience financial hardships you must contact your Housing Officer immediately. It is also important that you respond to any contact from HHP.

Court Summons



When the Court sends you a Summons - **DO NOT IGNORE IT!**

We **strongly recommend that you seek advice** from your local Citizens Advice Bureau or a solicitor. You will find information to help you reply to the Summons on the Sheriff Court website: www.scotcourts.gov.uk.

HHP must be able to prove to the Court that it is reasonable to evict you. The reason for seeking to evict you will be included in the Notice of Proceedings, sent to you by HHP, and the Summons sent from the Court.

The Court may grant eviction if you do not attend Court or arrange for a representative to attend Court on your behalf.

Court Decisions



When your case is called in court, the Sheriff can issue one of the following instructions :

Dismiss the case

If the Sheriff dismisses the case it means the case will not be heard in Court again and HHP will close your arrears case. This could be because:

- You have cleared your arrear prior to your case calling in court
- The Sheriff has decided that we have not followed the proper procedures to take you to Court

Continue the case

If you have been making payments towards your arrear, the Sheriff may ask for the case to be continued which means it will be heard again at a later date. This may be to allow you time to :

- Set up a repayment agreement
- Make a payment/payments
- Make a claim for Housing Benefit
- Deal with a Legal Aid application
- Get more evidence
- Maintain a good standard of behaviour (if anti-social behaviour order is the reason for court action)

Suspend (Sist) the case

If the Sheriff sists your case, you may be expected to attend Court at a later date. The case may be suspended to give you an opportunity to show :

- You have been able to maintain a repayment arrangement
- You are able to maintain continuous good behaviour if we have brought you to Court due to anti-social behaviour.

If you fail to keep to an agreement, HHP will instruct our legal team to bring your case back to Court and review the decision. If the Sist is recalled you will be informed that the case will be recalled to Court.

Grant a Decree for Eviction

If the Sheriff grants a Decree for Eviction, it means that we are given permission to end your legal right to live in your home and can evict you.

What Happens If Decree Is Granted



If the Sheriff grants Decree, HHP can legally evict you. If Decree is granted and payment has not been made, Sheriff Officers will visit your home and present you with a Charge to Remove. Fourteen days must be given between serving the Charge to Remove and the intended date of eviction.

HHP has 6 months to carry out the eviction. However, we would normally carry out the eviction within 6-8 weeks of the Court calling date.

You may still be able to keep your tenancy by paying the sum owed in full before the scheduled date of eviction. Your Housing Officer can provide advice about this.

What If I Have Nowhere To Go?

You should contact the Homeless Service urgently at Comhairle nan Eilean Siar on 01851 822821. It is also advisable to seek independent legal and financial advice.

A Decree of Eviction, once implemented, ends your tenancy but it does not cancel any debt and HHP will take all reasonable steps to recover the debt.

Additional Help And Advice

Housing Benefit

Comhairle nan Eilean Siar Stornoway - 01851 822642

Citizens Advice Bureau

Lewis - 01851 705727 Harris - 01859 502431 Uist - 01870 602421 Barra - 01871 810608

Social Work Department

Lewis - 01851 822 708 Harris - 01859 502 973 Uist - 01870 604 984 Barra - 01871 817 217

Homeless Services

01851 822821

Shelter Scotland

www.scotland.shelter.org.uk 0808 800 4444

Payplan

www.payplan.com 0800 280 2816

StepChange

www.stepchange.org 0800 138 1111