Rent Arrears Control and Recovery Procedure

This procedure should be read in conjunction with the ‘Provision and Management of Rent Recovery and Arrears Control’ Method Statement Sections 2.1, 2.2 and 2.3 of the Context Housing System User Manual.
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1. PERFORMANCE INDICATORS

- To collect 99% of the gross rent due.
- To ensure that current rent arrears are less than 3.8% of the gross rent due.
- To ensure that 100% of cases with 4 or more weeks rent owing or £30, whichever is the greater, have a valid Notice Seeking Possession.
- To ensure that 100% of cases with 9 or more weeks rent owing or £200, whichever is the greater, have been referred to Legal Services.
- To visit 100% of all tenants with an expired Housing Benefit claim within 5 working days of notification by the Housing Benefit Team that the claim has expired.
- To forward completed Housing Benefit forms to the Housing Benefit Team within 1 working day of receipt.
- To review 100% of arrears cases in accordance with the review schedule to determine the need for action.
- To seek to make contact with 100% of tenants before a Notice of Seeking Possession is served.
2. **SUMMARY**

Effective rent arrears control and recovery is critical as it ensures that the Housing Division’s income is maximised and tenants therefore receive the best possible services.

It is also a critical area of work in terms of external assessment of the Tenant Services Team’s performance.

This procedural note refers to secure tenants. It provides guidance on the principles and best practice for the recovery of current rent arrears.

Critical points to note are:

- The approach to arrears should be firm but sensitive.
- Early action is essential
- Every effort should be made to achieve personal contact
- The message to the tenant must be clear and unambiguous
- Actions should be timely and clearly recorded
- All available remedies should be used and eviction should be considered a failure
- Consideration should be given to the specific circumstances of each tenant but only in exceptional cases should the control/recovery process not be pursued.
- If you think there is a good reason to deviate from our usual approach because of the circumstances of the tenant, discuss the case with the AHM.

The arrears control/recovery process is shown in flow chart form on pages 4-9

The procedure will differ for non-secure tenants. If in doubt ask your manager.
3. RESPONSIBILITIES

Each **Housing Management Officer (HMO)** is responsible for monitoring and taking the appropriate action in respect of the following debts:

- Current rent arrears
- Housing Benefit overpayments (Separate procedure notes to be issued)
- Transferring tenant arrears (Separate procedure notes to be issued)

The **Assistant Housing Managers (AHM)** are responsible for:

- Monitoring HMO’s arrears activity output on a weekly basis including visits after a Housing Benefit claim has expired.
- On alternate weeks, monitoring for cases with 4 weeks or more rent owing without a valid NSP and cases with 9 weeks or more rent owing which haven’t been referred to Legal Services, immediately advising the HMO of remedial action to be taken.
- Carrying out an arrears review with each HMO according to the schedule and agreeing with the HMO what action needs to be taken.

The **Housing Manager** is responsible for monitoring arrears trends on a weekly and monthly basis against key performance indicators, and reporting performance on the Cabinet Information Circular and Government returns.

*Primary responsibility for arrears control and recovery on each patch rests with the HMO.*
4. Rent Arrears Control/Recovery Process Flow Charts
Process Chart 1 - Sign Up to Notice of Seeking Possession

Sign Up

\[\text{AR2} \quad 1 \text{ Weeks arrears or £10}\]

\[\text{AR3} \quad 2 \text{ Weeks arrears or £20}\]

Serve NSP
4 weeks arrears or £30
No contact at service –
Visit again

NSP Expiry

Agreement made/arrears reducing

Monitor

Refer to Court if agreement broken

No agreement/arrears not reducing

Refer to Court Immediately

Go to Process Chart 2
Process Chart 2 - Starting Possession Proceedings

Previous Possession Order?

Yes

If two or more PO's have been obtained in the last five years seek an Outright Order

Refer to the next Panel for authorisation to evict

Go to Process Chart 3

No

Seek a Suspended Order provided an agreement is in place by the time of the hearing

Refer to Panel before Court if an agreement is not made or is made and not kept

Court Hearing

Withdraw Case?

Only if account clear on the day of the hearing.
Process Chart 3 - After the Hearing

1. **Suspended Order**
   - Write confirming terms of Order
   - Monitor Weekly
   - First breach of order – confirm tenancy has ended and give 14 days to make up missed payments

2. **Court Hearing**
   - In x days
   - Monitor for vacation/return of keys
   - Apply for warrant if vacant possession not given by agreed date

3. **Outright Order**
   - Forthwith
   - Apply for Warrant immediately
   - Evict
   - Go to Process Chart 5

Go to Process Chart 4
Process Chart 4 - Tolerated Trespasser

Payments brought up to date at end of 14 days?

Yes
Monitor and refer to Panel immediately if a further payment is missed

No
Refer to Panel

Only withdraw if account cleared

Panel

Write confirming Panel decision
Go to Process Chart 5
Process Chart 5 - After Panel

Payments made at the agreed rate?

No

Apply for warrant immediately a payment is missed

No

No

Evict

Yes

Monitor weekly

Yes

Application to suspend the warrant?

No

Suspended?

Yes

Reapply for warrant first breach

No
5. **HOUSING BENEFIT**

It is crucial that Housing Benefit is maximised. A check of entitlement should be made each time a tenant is seen. If they are not receiving Housing Benefit a form should be completed.

The Housing Benefit Team will notify the HMO when a tenant fails to renew a claim. The HMO shall visit the tenant within five working days to obtain a completed form.

If this visit is unsuccessful further visits shall be made until a completed form is obtained or it is established that the tenant does not wish to re-apply for benefit, whilst at the same time moving through the arrears recovery stages.

The HMO shall assist the tenant to obtain back-dating by, if necessary, drafting a request for back-dating. The request should be factual.

No tenant who comes to the office seeking advice on their claim or assistance to complete a form shall be sent to the Housing Benefit Office. Instead the HMO will ensure that everything possible is done to maximise the tenant’s HB entitlement.

Every effort should be made to get a tenant to complete a form while they are at the office but if they insist on taking a form away to complete they should be told clearly what the consequences will be if they fail to return the form or supporting evidence.

If a tenant’s arrears rise because they fail to properly claim Housing Benefit the HMO shall immediately proceed to the next stage of the arrears recovery process.

If at any stage in the arrears control/recovery process the HMO is satisfied that the tenant has done everything to claim Housing Benefit and the arrears are due solely to a delay in assessment they should encourage the Housing Benefit Team to assess the claim as quickly as possible and discuss with the AHM if it is appropriate to defer moving to the next stage of the process.
6. **SIGN UP**

The officer signing up a new tenant shall:

- Ensure that they understand they are responsible for payment of the rent and / or claiming any Housing Benefit they are entitled to.

- Explain how the rent and any other charges are made up and which elements will **not** be covered by Housing Benefit.

- Tell them how they can pay their rent and give them a copy of the leaflet.

- Tell them what will happen if they fail to pay their rent and / or claim Housing Benefit and give them a copy of the leaflet.

- Explain to them that if it is a joint tenancy that they are liable both individually and jointly for paying the rent / arrears.

- Make every effort to have them complete a Housing Benefit form **before** they sign the Tenancy Agreement and make clear that they must provide any supporting information they do not have with them as quickly as possible. If they refuse to complete a Housing Benefit form stress that they are liable for the full rent until such time as they make a valid claim.

- Pass the completed Housing Benefit Form to the HMO on the day of the sign up with details of any information not provided.
7. MONITORING PROCESS

Recording Arrears Action

This section explains the steps each HMO should follow every week to effectively monitor their rent arrears cases using Context.

Context provides a framework for recovery action. The system can generate a range of standard letters and record information relating to each case. The information can be recorded in two ways:

Action Screen – The HMO will use this screen to record the following events:

- NSP Notice of Seeking Possession (Number, Period NSP Effective)
- LEG Date of Referral to Legal Services
- HEA Hearing Date for Possession Order
- ADJ Adjourned Hearing Date
- ORD Final Outcome of Order (Decision, Costs)
- PAN Panel date
- EVIC Eviction (Date, Comments)

Entries on the Action Screen and letters produced will generate a diary entry.

Diary Screen – Officers will use this screen to record all contact with the tenant and other interested parties, using the agreed coding system. Simple information should be recorded in the comments fields.

All arrears action must be recorded on Context including tailored letters. Letters generated from Context but not sent should be deleted and not just torn up as this skews the monitoring records. For lengthier reports, e.g. a full arrears interview, an entry should be made indicating that full details are on the house file.

Arrears Monitoring

The following steps shall be taken by each HMO on Wednesday of every week:

1. Check each case over £1000, generating the appropriate letter as each case is looked at and/or preparing the file for a visit.

2. Check each case in band £500 - £999, generating an appropriate letter from Context (if one is available) as each case is looked at and/or preparing the file for a visit.

   If the case requires a tailored letter or advice from a manager, details should be kept on a list to be worked on once all cases have been reviewed.
3. Check each case in band £100- £499, generating an appropriate letter from Context (if one is available) as each case is looked at and/or preparing the file for a visit.

   Again, if the case requires a tailored letter or advice, details should be kept on a list to be worked on once all cases have been reviewed.

4. Return to the list of cases requiring a tailored letter or advice and work through it systematically from the highest arrears case to the lowest until the list is completed.

In some instances it may not be possible to review each case/complete all of the necessary actions on a Wednesday, in which case the process should continue into Thursday, with visits made before the following Wednesday.

**Wednesday’s should not be used for any work other than reviewing arrears cases unless agreed with a manager. This should only happen in exceptional circumstances.**

If an HMO is on leave on a Wednesday then the review of all cases should take place immediately on their return, taking precedence over other work unless agreed by a manager in exceptional circumstances.
8. **Pre-Notice of Seeking Possession Contact**

An AR2 letter should be sent when the account falls into arrears of one week’s rent or £10, whichever is the greater.

An AR3 letter should be sent when the account is in arrears by two weeks rent or £20, whichever is the greater, inviting the tenant to an interview.

The aim of the interview is to provide advice if the tenant is having financial difficulties, to ensure that Housing Benefit is maximised and to agree a reasonable repayment plan.

Details of the household make-up, employment, income and debts should be properly recorded on an arrears interview sheet *in every case*. An arrears interview sheet should be completed at each interview where more than 4 weeks have passed since the last contact.

If the tenant fails to attend the interview a telephone call or home visit should be made.

If no agreement is made, or is made and broken, and the arrears are not reduced, a Notice of Seeking Possession (NSP) shall be served (see Section 9) in all but the most exceptional circumstances and by agreement of the Assistant Housing Manager.

Before service of an NSP the HMO shall arrange repossession of any garage the tenant may rent from the Council. The tenant should be notified in writing of such action and be given a reasonable amount of time to make alternative arrangements, usually no more than 14 days. The notification can be included with the NSP.

**Repayment Plans**

The following guidelines should apply when agreeing a repayment plan:

- The greater the arrears the more we should expect the tenant to pay each week/month to reduce them, subject to the following:

- If the tenant is living on Job Seekers Allowance (and Child Benefit in the case of a family) then the minimum acceptable payment is £2.70 per week.

- If the tenant is eligible for partial Housing Benefit then the minimum repayment we will accept is £6.00 per week.

- If the tenant is not eligible for Housing Benefit then the minimum repayment we will accept is £10.00 per week.

- You should seek to maximise the repayment sum but make sure the agreement is realistic. It must take account of other debt repayments, although paying the rent / arrears has to be the tenant’s priority.
At each stage of the arrears recovery process it is important that agreements are confirmed in writing, stating explicitly:

- the current arrears,
- the amount to be paid each week to reduce them,
- the first payment date,
- the payment intervals if not weekly
- what we will do if the agreement is broken

If an agreement is broken then the HMO will proceed to the next stage of the arrears recovery process. There will be no deviation from this except in exceptional circumstances agreed by the AHM.
9. **NOTICE OF SEEKING POSSESSION**

A Notice of Seeking Possession shall be served on all cases where there are 4 or more weeks rent owing or £30 arrears, whichever is the greater.

A Notice Seeking Possession must:

- Show the full names of all tenants
- Show a date for proceedings being a Monday four weeks or more after the date of service
- Be signed and dated by a delegated officer (normally the Assistant Housing Manager)
- Be copied and the copy kept on file endorsed with the date and method of service
- Be served by hand

**NB:** An NSP should not be served with a date for proceedings between 20 and 31 December.

All NSP’s must be accompanied by the letter (AR4) which most closely addresses the tenant’s circumstances. This may mean producing a tailored letter if they need to be given particular information.

The purpose of the NSP is to give the tenant a formal warning that we are considering possession proceedings. Every effort should be made to interview the tenant when serving an NSP and to agree a repayment plan (See section 8 above).

If the tenant is not at home when the NSP is served then, unless they make contact by phone or letter and agree a satisfactory repayment plan and / or complete a Housing Benefit form, at least two further visits should be made to the property before the date of expiry of the NSP.

**NB** Once an NSP has been served and it is still valid, it will not be permissible to use earlier Context letters e.g. an AR3 as this sends the wrong message to the tenant. If there is no suitable later Context letter then a tailored letter should be produced which refers to the action already taken e.g. service of the NSP.

If, on the date for proceedings on the NSP,:

- A satisfactory agreement has not been made
- An agreement has been made but broken
- And the arrears have not reduced

Legal Services should be instructed to seek a Possession Order
If an agreement has been reached and the arrears are reducing then the case will be monitored. If the agreement is broken the case should be referred to Legal Services (see Section 10).

If the HMO receives confirmation from the Housing Benefit Team that a tenant has submitted a claim and all supporting evidence, the Housing Benefit Team shall be asked to assess the claim urgently in view of the pending possession proceedings. Unless the Housing Benefit Team can confirm that all of the arrears will be covered by Housing Benefit the proceedings should be issued.

An NSP is valid for 12 months from the date for proceedings and Court proceedings can be started at any time during the 12 months. It, 11 months after this date the matter has not been referred to Court but there are still arrears of more than four weeks of the net rent on the account, a fresh NSP should be served.
10. Starting Possession Proceedings

The HMO shall prepare the ‘Instruction to Legal Services’ and pass it to the Housing Manager with the file and appropriate letter to be sent to the tenant. Where a suspended Possession Order is to be sought the appropriate letter will usually be an AR6.

In preparing the case for referral to Legal Services the HMO will consider the past conduct of the tenancy in relation to rent arrears.

If, in the last five years, two or more Possession Orders have been obtained against the tenant, Legal Services shall be instructed to seek an Outright Possession Order and the case referred to the next Housing Management Panel for authorisation to evict.

If there has been no more than one Possession Order against the tenant in the last five years then they shall be advised that we will be seeking a suspended Possession Order provided they reach and maintain a reasonable agreement to repay the arrears. If no such agreement is made or is made and not kept the case shall be referred to the Housing Management Panel before the Court hearing.

If the tenant has an Contents Insurance Policy with the Council it should be cancelled at the same time as the ‘Instruction to Legal Services’ is prepared. The tenant should be notified in writing and given 14 days to make alternative arrangements.

Once Legal Services have been instructed to seek a Possession Order the HMO shall continue to monitor the case weekly and where there is no agreement in place to reduce the arrears visit at least twice more between the referral to Legal Services and the day of the hearing. An AR8 letter shall also be sent unless an outright Possession Order is to be sought. Once the date of the Court hearing is known, an AR10 letter shall be sent by the HMO within two working days of notification of the hearing date.
11. COURT HEARING

The HMO shall usually represent the Council together with a representative of Legal Services. As the HMO will take all cases for that hearing s/he should familiarise herself/himself with the details of each case in time to discuss any queries with the appropriate HMO.

It is essential that the HMO dress in an appropriate fashion so that the Council has the respect of the Court.

At the Court, the HMO shall, if possible, speak to the tenant before the Hearing and if appropriate reach an agreement (in consultation with the legal representative).

The HMO shall discuss expected costs in each case with the legal representative before the Hearing and instruct the legal representative about any variation from the usual level of costs. Generally we should seek to recover all our costs.

Where a Possession Order is made the HMO shall ensure that the order includes:

- The current arrears figure
- The sum(s) to be paid by the tenant
- The payment intervals
- And, critically, the date on which they must make the first payment.

Withdrawal / Adjournment

In general cases will only be withdrawn if the tenant’s account is clear on the day of the hearing and in all withdrawn cases we shall seek to recover our full costs.

If, on the day of the hearing, the arrears are under £200, and an agreement is being kept, then it may be appropriate to adjourn an application for a suspended Possession Order, whilst still seeking our costs.

Both steps should be agreed with the AHM.
12. AFTER THE COURT HEARING

The steps to be taken after the hearing depend on the type of order obtained but in all cases the HMO shall write to the tenant confirming the exact terms of the order within two working days of the hearing and monitor the case weekly.

Order for possession forthwith (outright order)

If an order for possession forthwith is obtained the HMO shall immediately apply for the Eviction Warrant to be executed and where possible a cheque for the appropriate sum should be raised by Legal Services prior to the court date so that an application can be made at the court immediately after the hearing.

Order for possession in X days (outright order)

If an order for possession in a certain number of days (usually 14 or 28) is made against a tenant, the letter sent to them should tell them to return the keys on or before that date, giving clear instructions about how to do so.

The HMO shall then monitor the property and if there is clear evidence (see Abandoned Property procedure) that the tenant has vacated but not notified us the HMO shall agree with the AHM if it is appropriate to take ‘peaceful possession’ of the property, notifying Legal Services when they have done so.

If the tenant does not vacate by the date set down in the Order Legal Services shall immediately be instructed to arrange a date for the Eviction Warrant to be executed by the Court Bailiff.

Suspended Possession Order

In most cases the Court will make an Order requiring the tenant to pay the arrears in instalments.

Following the possession hearing the HMO will monitor the rent account closely. If the arrears are reduced in accordance with the terms of the Order then no further action will be necessary unless there is a change in circumstance, i.e. the Housing Benefit claim stops.

If the terms of the Order are not kept the secure tenancy will be at an end (S82 Housing 1985 and Thompson v Elmbridge [1987] WLR 1425). Regardless of when the breach occurs the tenancy ends on the date specified in the order, e.g. it applies retrospectively, so if a tenant breaches an order a year after the ‘date for possession’ it is that date that should be entered on the memo generated with the AR14 letter (see below). An eviction warrant could be sought.

In the event of non-compliance with an Order the tenant shall immediately be sent a letter notifying them they no longer have a tenancy (AR14). In the majority of cases the former tenant will be invited to bring their payments up to date and resume payments in accordance with the terms of the Possession Order and if they do so they will be allowed to remain in occupation as a Tolerated Trespasser. (Burrows v Brent
[1996] 1 WLR 1448). They will no longer enjoy the rights of a secure tenant but will be allowed to remain in occupation for so long as the correct payments are received. If the tenant has not brought their payments up to date in accordance with the terms of the Order within 14 days of the letter being sent to them the case should be referred to the next Housing Management Panel. Even if they bring their payments back into line with the Order before the next Panel meeting the case shall still be referred to show that further breaches will not be tolerated.

In some cases, following a breach of the terms of an Order, it will clearly be desirable not to offer the former tenant the opportunity to remain as a Tolerated Trespasser. In reaching this decision the HMO will consider:

- The past payment history including former tenancies
- The level (if any) of under-occupation

Where the former tenant is not going to be allowed to remain in occupation they will be notified immediately in writing (AR16 IE). The case shall be referred to the next Housing Management Panel if it has not already been considered. When the agreement of the Housing Management Panel has been obtained Legal Services shall be instructed to obtain the Eviction Warrant.

**IMPORTANT NOTE**

In the case of Burrows v Brent 1996 it was established that a secure tenancy which ends following the breach of an Order can be revived by the Court making an Order varying the date on which possession is due to the given. The Courts power to do so comes from Housing Act 1985, S.85. Either party can make an application.

When a tenant has paid their arrears in full they can ask the Court to discharge the Order and, if it has ended, revive their tenancy. Where a tenant has cleared their arrears they shall be sent a letter confirming what they need to do (ARx). The Council can also apply to have an Order discharged or the date for possession varied and may wish to do so in some circumstances. Generally, however, it will be left to the occupant.
The Housing Management Panel is chaired by the Head of Housing and Environmental Health Services, who has delegated authority to authorise evictions.

Legal Services should not be instructed to apply for an Eviction Warrant unless the case has been considered by the Panel.

The Panel can consider a case either before or after a Possession Order has been made. If we are seeking an outright Order the case should always be considered by the Panel before the hearing.

The tenant shall be advised in writing that their case is to be referred to the Panel (AR16).

The AHM will, at least three weeks before the date of the Panel, notify in writing Social Services and the Housing Benefit Manager so that their comments can be incorporated into the report.

The HMO will prepare and submit the draft report no later than 7 days before the date for circulation of the reports. The report shall contain details of the household including financial circumstances and a brief history of the conduct of this and earlier tenancies. It shall also contain the recommendation of the AHM.

In most cases the recommendation will be that the occupant be evicted if they do not make up the short fall in their payments at an agreed rate whilst maintaining future payments as set out in the Order. So, for example, if on the date the report is circulated to the Panel Members, the occupant is £350 out of line with the terms of the Order the recommendation would read:

'It is recommended that unless Miss X makes future payments in accordance with the terms of the Order and makes good the existing short fall by paying an extra £X per week for the next X weeks, she be evicted.

Alternatively the recommendation might say that she had to make good the shortfall as a lump sum payment by a certain date. This will depend on what has been agreed with her before the Panel meeting.

If she has made up the shortfall by the time of the Panel meeting then the recommendation should be that she makes future payments in accordance with the terms of the Order.

Where no agreement has been reached the reasons for this should be stated in the report and a reasonable recommendation put forward.

The nominated Members and appropriate Ward Councillors shall be notified in writing of the Panel’s decision by the Housing Manager within one working day of the Panel meeting and no action shall be taken on the decision before 14 days from the date of the notification letter have elapsed.

The tenant shall be notified of the decision in writing by the HMO at the expiry of the 14 day period (AR18).
14. **EVICTION APPLICATION**

If the arrears are not reduced at the specified rate following the decision of the Panel or it has been agreed by the Panel that the Eviction Warrant shall be obtained immediately, the HMO shall prepare a memorandum to Legal Services for signature by the Tenant Services Manager and the occupant should be notified in writing (AR20).

When the Court issues the Eviction Warrant it will normally notify the occupant of the time and date of the eviction. The HMO will be notified by Legal Services and shall then write to the occupant (AR22) with a copy to the Housing Assessment Manager. The HMO shall also notify Social Services that an Eviction Warrant has been applied for.

In many cases the occupant will make an offer to reduce the arrears at some point after they receive confirmation that an Eviction Warrant has been applied for and before the date set for the eviction.

All occupants in this situation shall be advised that we will only consider withdrawing an application if the account is cleared in full including the rent for the week the payment is to be made.

An offer of full payment shall be discussed with the AHM who will decide if it should be accepted. In a limited number of cases it might be decided that we would prefer to regain possession of the property rather than have the money eg where the tenant is under-occupying and / or has a very poor payment record.

If it is agreed that an Eviction Warrant is to be withdrawn Legal Services shall only be instructed to do so once the HMO has satisfied him/her self that the arrears have been paid in full by cash, bankers draft or building society cheque. A personal cheque is not acceptable.

If the occupant proposes partial payment of the arrears they shall be advised that we intend to enforce the Eviction Warrant and that they may wish to take legal advice. If they subsequently make an application to suspend the Eviction Warrant based on partial payment of the arrears the AHM shall consider their application and past payment record and decide if it is appropriate to agree to the suspension. If the suspension can be agreed without an officer attending court, Legal Services should be instructed to do so.

If the offer made in the application to suspend the Eviction Warrant is not acceptable the HMO shall attend the hearing to present our case. If it appears that the Judge is minded to suspend the Eviction Warrant then the HMO shall seek the best terms possible and ensure that the Order clearly states the level of the arrears, what payments the occupant must make and an exact date on which the payments should start.

The HMO shall write to the tenant(s) confirming the exact terms of the suspension within one working day of the hearing (AR24). **A suspension of an Eviction warrant does not revive the tenancy and the occupant remains a Tolerated Trespasser.**
On the first occasion the terms of the suspension are broken the Eviction Warrant shall immediately be applied for.
15. **EVICION**

If the occupant is thought to be violent the HMO shall inform the Court Bailiff who may arrange for the Police to attend. The HMO shall also arrange for a joiner to attend to gain access/change the lock. Where the property may be vulnerable to squatting arrangements shall be made to have it multi secured at the time of the eviction.

It is the duty of the Bailiff to evict all those persons they find on the premises not just the persons who are a party to the proceedings (Lord Widgery 1975). The HMO shall sign for possession from the Bailiff. Every effort should be made to find the former tenant’s forwarding address.

An inventory shall be made of the possessions. If the occupant is present an agreement should be sought about the possessions. If the occupant agrees to their disposal s/he should confirm this in writing. If not the HMO shall decide if the goods are of no value and are not worth storing and if so s/he shall advise the AHM who should also inspect the goods. If the AHM agrees, they should be disposed of, having first been photographed.

If the goods are to be stored but are of little value they should be placed in a Council garage. If the possessions are valuable they should be placed with Council’s storage contractor and a Section 41 Notice served (see separate procedure note).

Following an eviction the keys shall be passed immediately to the Voids Control Officer.
16. PERFORMANCE MONITORING

Interim Monitoring

Each week the AHM’s will check for cases with more than 4 weeks et rent owing or £30 arrears, whichever is the greater, without an NSP and cases with more than 9 weeks rent owing or £200, whichever is the greater, that have not been referred to Legal Services, instructing the HMO to take the appropriate action immediately.

Arrears Reviews

The AHM’s will carry out a review with each HMO according to the schedule.

Prior to the review the HMO will generate the arrears report from Context and note on the report the action taken to date including the terms of any Court Order. S/he will also arrange for the files to be gathered.

At the review the AHM will consider each case with particular regard to earlier decisions (if any) and will agree with the HMO what action, if any is required in each case.

The AHM shall keep a record of each case considered at the review.

Arrears Analysis Figures

Each Tuesday, following the balance run, the Admin team will generate a report from Context showing the latest arrears figures. This report will be used by HMO’s and their managers to identify trends in the arrears and corrective action necessary.