

Going to Court

Your Questions Answered

Why is Spire Homes taking me to Court?

Spire Homes is taking you to court because you have not paid your rent, even though we have contacted you about this several times. We rely on income from tenants to pay for repairs and housing improvements such as new central heating systems.

If I make an agreement to pay my arrears now, will Spire Homes withdraw the case from Court?

No. We have already given you many opportunities to pay the arrears and have warned you that we would apply to court if you did not reduce your debt. We have paid the court fees, which are usually £100.00, to arrange the hearing. If we withdrew the case, this money would be wasted.

Can I do anything to stop the Court hearing?

If you pay your debt in full and also pay the cost of the hearing, we will ask the Court to adjourn the case and you need not attend the hearing. However, if the case is adjourned it can be restored if you then build up more arrears on your account.

What do I need to do before the hearing?

The Court will write to you to let you know the date and time of your hearing. We recommend that you take independent legal advice on your situation before going to Court. Free advice can be obtained from:

The Community Law Service

3 – 7 Hazelwood Road
Northampton

Tel: 01604 621038



Nene Valley Citizens Advice Bureau
2B High Street
Wellingborough

Tel: 01933 229781

Corby Citizens Advice Bureau
Deene House
New Post Office Square
Corby

Tel: 01536 265501

Stamford Citizens Advice Bureau
39 High Street
Stamford

Tel: 08444 994199

Rutland Citizens Advice Bureau
56 High Street
Oakham

Tel: 0845 1203705

Should I go to the Court hearing?

You are strongly advised to attend because the Court will be making an important decision about your right to continue to live in your home.

What will happen in Court?

The case will be heard by a District Judge. Normally Spire Homes will be asked to explain why we have applied to Court. You will then be allowed to have your say and explain the situation from your point of view. Finally the Judge will decide what to do about the case.

There are several options open to the Judge. The most common outcomes in rent arrears cases are:



Suspended Possession Order: This is where the Judge gives Spire Homes possession of the property. However, we cannot force the tenant to leave as long as regular payments are made towards the rent and arrears. The payments that must be made are set out in the order.

Outright Possession Order: This is where the Judge gives Spire Homes possession of the property. The tenant is normally given a short period of time – often 28 days – to find somewhere else to live. The Judge will usually also make a County Court Judgement for the arrears and costs.

Adjournment: Sometimes the Judge decides that the court needs more information on the case, or the tenant's situation may be about to change. In this situation, the Judge can postpone the case to later date, usually in 14 or 28 days. This does not usually mean that more court costs are added.

What happens after Court?

If the Judge has allowed you to stay in your home, you must make payments as set out by the Judge in the Court Order. If you do not keep to these payments, Spire Homes can apply to the Court to evict you.

If Spire Homes has been given outright possession, you will be evicted from your home. It is unlikely that you will be re-housed, even if you have children.

Will the Court hearing affect my tenancy at all?

You will not be able to exchange homes with another tenant until your rent account is cleared. Your right to transfer to another property or transfer your tenancy to another family member may also be affected.

Contact the Income Recovery Team at:

Spire Homes, 1 Crown Court, Crown Way, Rushden NN10 6BS

Tel: **0300 123 66 11** Email: **spirehomes@longhurst-group.org.uk**

Spire Homes (LG) Ltd is a registered charity in England and Wales (1140935).