

# Going to court



What happens if we plan  
to take you to court for  
not paying your rent

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- 1 إذا أردت شرحاً أو ترجمة لأي جزء من هذه الوثيقة، أو رغبت الحصول عليها بأشكال أخرى كالأحرف المطبعية الكبيرة أو على شريط سمعي، فالرجاء الاتصال بـ Westlea "ويستلا" على الهاتف رقم 01249 465465 لمناقشة احتياجاتك.

- 2 এই ডকুমেন্টের কোন অংশ যদি আপনি ব্যখ্যা করা অবস্থায় বা অনুবাদিত আকারে, অথবা অন্য কোন ফরমেটে পেতে চান যেমন বড় আকারের প্রিন্ট বা অডিও টেপে, তাহলে দয়া করে 'ওয়েস্টলি' এর সাথে 01249 465 465 নম্বরে ফোন করে আপনার প্রয়োজনীয়তা নিয়ে আলোচনা করুন।

- 3 你若希望有人給你解釋此份文件的任何內容，或想要索取翻譯本、大字印刷本或錄音帶等其他形式的文件，敬請聯絡 Westlea 以告知你的需求，電話號碼是：01249 465465。

- 4 Falls Sie für Teile dieses Dokuments eine Erläuterung oder Übersetzung benötigten oder es in einem anderen Format, z. B. mit größerem Schriftsatz oder auf Audiokassette, wünschen, wenden Sie sich bitte unter 01249 465465 an Westlea.

- 5 જો તમને આ દસ્તાવેજના કોઈ પણ ભાગનો ખુલાસો અથવા તરજૂમો અથવા કોઈ જુદા રચનામાં જેમકે મોટા છાપેલા અક્ષરોમાં અથવા ઓડિઓ ટેપ ઉપર જોઈતો હોય તો, કૃપા કરી 01249 465465 ઉપર તમારી જરૂરિયાતોની ચર્ચા કરવા Westlea નો સંપર્ક સાધો.

- 6 इस दस्तावेज़ का कोई सा भी अंश यदि आपको समझना हो या इसका अनुवाद अपनी भाषा में चाहिये, या किसी अन्य रूप में, जैसे बड़े अक्षरों की छपाई या सुनने वाली कसेट पर चाहिये तो अपनी आवश्यकताओं के बारे में बताने के लिये कृपया वेस्टली से फोन नंबर 01249 465465 पर संपर्क करें।

- 7 Jeśli potrzebuje Pan/Pani wyjaśnienia lub przetłumaczenia dowolnej części niniejszego dokumentu lub otrzymania go w innym formacie – np. w powiększonym druku albo w formie zapisu dźwiękowego, prosimy o skontaktowanie się z Westlea pod numerem: 01249 465465 w celu określenia Pana/Pani potrzeb.

- 8 ਜੇ ਤੁਸੀਂ ਇਸ ਦਸਤਾਵੇਜ਼ ਦੇ ਕਿਸੇ ਹਿੱਸੇ ਬਾਰੇ ਆਪਣੀ ਬੋਲੀ ਵਿਚ ਜਾਣਕਾਰੀ ਲੈਣਾ ਚਾਹੁੰਦੇ ਹੋ, ਜਾਂ ਇਹਦਾ ਤਰਜਮਾ ਆਪਣੀ ਬੋਲੀ ਵਿਚ ਕਰਵਾਉਣਾ ਚਾਹੁੰਦੇ ਹੋ, ਜਾਂ ਇਹ ਦਸਤਾਵੇਜ਼ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦਾ ਹੈ, ਜਿਵੇਂ ਵੱਡੇ ਅੱਖਰਾਂ ਵਿਚ ਜਾਂ ਆਡੀਓ ਟੇਪ 'ਤੇ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਵੈਸਟਲੀਅ ਨੂੰ ਨੰਬਰ 01249 465465 'ਤੇ ਫ਼ੋਨ ਕਰਕੇ ਆਪਣੀਆਂ ਲੋੜਾਂ ਦੱਸੋ।

- 9 Haddii aad jeceshahay in qayb walba ee dokumentigaan lagu sharxo ama lagu turjimo, ama aad ku rabtid hab nooc kale ah sida qoraal far waawayn ama jacal la dhageysto, fadlan la xiriir Westlea lambarka 01249 465465 sida aad ugula hadashid baahidaada.

- 10 اس دستاویز کا کوئی سا بھی حصہ اگر آپ کو اپنی زبان میں سمجھنا ہو یا تحریری ترجمہ درکار ہو، یا کسی دیگر شکل میں چاہئے جیسے بڑے حروف کی چھپائی یا سننے والی کسٹ وغیرہ تو اپنی ضرورتوں کے بارے میں بتانے کے لیے برائے مہربانی 'ویسٹ لی' سے فون نمبر 01249 465465 پر رابطہ کیجئے۔

## **What happens if you take me to court for not paying my rent?**

If you are behind in paying your rent, we can take you to court to get the money you owe us. This money is called rent arrears.

You can help us to help you by getting in touch with us straight away, telling us about your situation and agreeing a payment plan. We will do as much as we can to avoid taking you to court. Usually, you can sort this problem out without going to court if you talk to us as soon as possible.

**Here are some of the questions you might have about going to court.**

### **Why are you taking me to court?**

Because you are behind in paying your rent. We have tried to get in touch with you to sort this out, but if you have not replied to us, or not kept to a payment plan that we agreed with you, we will start court action.

### **What do I do now?**

You should contact us straight away to talk about why you are struggling to pay the rent. We may be able to:

- help you claim benefits or to speed up a claim you have already made;
- give you money advice if you have other debts;
- make a payment plan with you before ➤

the hearing; and

- put you in touch with support agencies for extra help.

## **I have received a defence form. Do I have to fill it in and where do I send it?**

You should fill in the defence form and send it to the court straight away. This is your chance to give them extra information about your personal circumstances to help them make a decision.

If you need help filling in the defence form, please contact:

- your local citizens advice bureau (this help is free);
- a local law centre (this help is free); or
- a solicitor (who will charge you, but you may be able to get legal aid to help you pay the cost).

We can tell you about local support agencies who can offer you other help and advice.

## **I've never been to court before – do I need to go?**

Yes. It is important for you to be there. If you don't go, the district judge will not hear your side of the story to help them make a decision. They need to know things like how much you earn and what other debts you have to help them make sure they only ask

you to repay an amount you can afford. Don't be afraid to go to court, as you can get help from:

- your local citizens advice bureau, who can arrange for someone to go to court with you; or
- a legal representative (from the law centre, from Citizens Advice or a duty solicitor), who is usually at the court on the day and will help you explain your situation to the judge.

We will also try to talk to you immediately before the hearing. The hearing is held in a private room, which is called chambers. Usually, you, the judge, your representative (for example, a solicitor or Citizens Advice worker) and one of our customer account officers will be there.

## **Can you stop the case?**

We will only stop the case if you pay the rent arrears and costs in full before the hearing.

## **What happens at court?**

The district judge will look at our application and the evidence and will listen to what you say.

We can ask the judge for one or more of the following orders.

- **An adjournment** – this gives you extra ➤

time to sort out any issues raised during court proceedings before the judge makes a decision.

- **An adjournment with liberty to restore proceedings** – the judge will ask you to make payments to us. As long as you make them, nothing else will happen.
- **A suspended or postponed possession order** – this means that we can repossess your home in the future, but only if you do not make the payments to us that the judge asks you to.
- **A money judgment** – this is an official record that the county court keeps about your debt. It is also known as a county court judgment (CCJ) and will make it hard for you to get credit (loans and mortgages) in the future.

If you have been in arrears several times, have broken other parts of your tenancy agreement, or moved out without telling us, we may ask for a **final order for possession**. This means the district judge will order you to leave your home by a set date.

## **Who pays the court costs?**

We will ask the court to charge you for any court costs. It will cost you at least £150, on top of the money you owe us.

## **Can I ask the court to change its decision?**

Yes. If the court makes an order against you,

you can apply for a variation order to change it. To do this, you need to:

- ask the court to send you an application form (form N244);
- fill in this form and send it to the court, explaining why you think the judge should change the order; and
- ask the court whether you need to pay a fee (you may not have to if you receive certain benefits, but you will need to give the court proof that you receive them).

The court will then set another hearing date. You must attend the hearing to explain your circumstances.

## **Will I lose my home?**

If we ask you to leave your home, this is called eviction. We will only evict you as a last resort and when nothing else has worked (for example, if the court makes a suspended or postponed possession order asking you to repay your arrears and you don't keep to it). It currently costs £90 for us to apply to the court for an eviction, which will also be charged to you.

If we do ask the court to evict you, you can still apply for a variation order to change this (see **Can I ask the court to change its decision?** above).



## **How do I make a complaint or comment?**

If you feel that we have treated you unfairly or dealt with your case badly, please contact the person that you were dealing with, or our customer services team. We will try to sort it out for you as quickly as possible. If we cannot do this, you can make a formal complaint.

To do this, please contact:

Customer services team  
Westlea Housing Association  
Methuen Park  
Chippenham  
Wiltshire  
SN14 0GU.  
Phone: 01249 465465  
E-mail: [enquiries@westlea.co.uk](mailto:enquiries@westlea.co.uk)

However, it is always nice to know when you are happy with our service. If you think we have done something well, please tell the member of staff involved or the customer services team.

## **Who should I contact to talk about this?**

Our team want to help you. Please contact the customer accounts team as soon as possible:

Phone: 01249 466120  
E-mail: [customer.accounts@westlea.co.uk](mailto:customer.accounts@westlea.co.uk)

The name of the officer who looks after your account is shown on all letters we send you.

## **Money advice**

For money advice and help, please contact your local citizens advice bureau.

### **North Wiltshire citizens advice bureau:**

0845 1203707 or 01249 443054 (minicom)

We have set up a scheme with North Wiltshire citizens advice bureau, so that you will be treated as a priority when you ask them for help. The project worker based there, will help you claim all benefits available to you and help you manage your debt problems.

To contact the project worker, please phone 01249 445115 (extension 4) or e-mail

[westlea@northwiltscab.org.uk](mailto:westlea@northwiltscab.org.uk)

### **West Wiltshire citizens advice bureau:**

0845 1203737

### **Swindon citizens advice bureau:**

0845 0505155.







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