

Rent Arrears

Fact Sheet



If you don't pay your rent your landlord can evict you as you are in breach of your tenancy agreement. You may be able to keep your home if you act quickly. Contact your landlord or call us for advice.

Work out your finances

It can be difficult dealing with a rent problem. You should work out your income and expenditure and produce a realistic repayment plan. See our income and expenditure section/ budgeting or contact us for advice.

Contact your landlord

Tell your landlord as soon as you are aware that you are unable to pay some or all of your rent. Your landlord may be more understanding if you explain your situation and the problems you are having. Your landlord may not evict you if you can come to some arrangement about how you will pay back the arrears.

If you are a housing executive tenant you will usually get a first warning letter when you are 2-4 weeks behind with your rent. They may visit your home to find out why you have been unable to pay your rent. You will be asked to come into your office to discuss how to repay, the NIHE calls this a voluntary repayment plan. If you don't contact NIHE after receiving the first letter you will be sent a second and then a final letter. NIHE may then decide on what compulsory repayment method they will use if you continue to avoid contact with your local housing executive office.

Pay as much as you can

Pay as much as you can afford towards your rent even if you can't pay in full. This will show your landlord that you are making an effort and prevent the debt getting out of control. If your landlord refuses to accept smaller payments send it anyway or keep it in a separate account and continue offering to pay it.

If you negotiate with your landlord they may accept the arrears to be paid over a period of time, on top of your usual rental charge. Make sure that you can work out how much extra you can afford before making such an arrangement.

Housing Executive rent arrears

If you are a Housing Executive tenant they may be able to accept weekly repayments if you cannot pay the arrears in one lump sum. Send a copy of your income and expenditure sheet to show what you can afford to pay. Try to keep up with your payments as the Housing Executive will arrange compulsory repayments from your benefits if you stop paying the agreed amount. If you work in the public sector you can repay the arrears directly through your wages. Your employer can pay up to £5 per week directly to the Housing Executive.

Housing benefit problems

If you have rent arrears because your housing benefit hasn't been paid contact the Housing Executive as soon as possible. Delays can be as a result of a backlog of claims or they haven't got all the information required to assess your claim. If you have provided all information you have been asked for you can ask for an interim payment 14 days after you put in your claim. You should request this in writing and keep a copy of the letter.

Discretionary Housing Payment

You can apply for extra money from the Housing Executive called a Discretionary Housing Payment. This is to help pay the shortfall between your rental charge and your housing benefit payment. The Housing Executive will take into account your circumstances including any other debts before deciding on whether to grant any extra payments.

Can my landlord evict me?

Your landlord can evict you if you don't pay your rent as it is a breach of your tenancy agreement. Your landlord will usually have to give you 28 days notice to quit. If you do not leave after the 28 days your landlord will have to get a court order telling you to leave the accommodation. You can negotiate to repay your arrears at any stage prior to eviction but it is up to your landlord.

If you owe rent when you leave the property your landlord can go to the Magistrate's Court to recover the debt or proceed to County Court to get back the rent and evict you if you refuse to leave. You must pay your debt if the court decides that you do owe your landlord.

Will the Housing Executive evict me?

The Housing Executive can evict you if you don't pay your rent however they will use their own recovery procedure to try and get back the money you owe before commencing legal proceedings.

The Housing Executive can go to the Magistrate's Court to get the rent arrears or the County Court to evict you and repossess the property. It is very important that you attend any court hearings to give your defence.

If the County Court decides that you do owe the money it can give your home to the Housing Executive after 28 days or tell you to work out a repayment plan to repay the debt. If you don't keep up with the agreed repayments the Housing Executive can repossess your home.

Call us FREE on: 0800 917 4607

Visit us at: www.advice4debtNI.com



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