



Paying Rent

This leaflet contains information on the following areas:

- Paying your rent.
- Help with paying your rent.
- Rent arrears.

The Council is generally referred to as “we” throughout this leaflet. Tenants are normally referred to as “you”.

How can I pay my rent?

The different ways that you can pay your rent are outlined below so you can pick the way that best meets your needs. Ideally, rent should be paid weekly in advance however, you may prefer to pay every fortnight or every month. You should let us know how often you wish to pay.

You can pay by:

- Cash - at either of the cash collection offices in Kirkwall or Stromness.
- Credit or debit card - either as above or by telephone.
- Post - by cheque or postal order (we do not recommend that you send cash through the post).
- Standing order.
- Online - payments can be made by debit or credit card. Visit the Council's website at www.orkney.gov.uk. The service is available 24 hours a day, 7 days a week.

We hope to soon be able to offer further payment methods including direct debit.

Can I get any help with paying my rent?

Depending on your level of income and savings, you might be able to obtain help with your rent payment. For example, if you are on a low income, you may be able to get housing benefit or claim the housing costs element of Universal Credit that will meet all or part of your rent.

Housing benefit and the housing costs element of Universal Credit are worked out by taking into account things such as the amount of money coming into the house, what savings you have, who lives in the house and their ages.

Where do I find out about housing benefit?

You can get information about housing benefit from:

- The Housing Benefit Section, Council Offices, School Place, Kirkwall, telephone 01856 873535 extension 2116 or 886312.
- The Housing Management Section, Housing Services, Council Offices, School Place, Kirkwall, telephone 01856873535. Home visits can be arranged with the Housing Management Section, who can help you fill in the form.
- Joint visits can be set up with appropriate staff as necessary.

Where do I find out about Universal Credit?

You can get information about Universal Credit:

- Via the gov.uk website at <https://www.gov.uk/universal-credit/how-to-claim>.
- By calling the Universal Credit helpline on 08003285644.

What if I have difficulties paying my rent?

People can have difficulties in paying their rent for all sorts of reasons. If you find yourself in this situation for whatever reason - even if it is only for a short time - you should contact the Housing Management Section, Housing Services on 01856873535 as soon as possible. Alternatively, you can contact the Rent Section, Finance Services on 01856873535 extension 2115 or 886311 (direct dial).

We will meet you at a time that is suitable for you. This can be in our offices, or in your home. If you would like a home visit, this can be arranged by contacting the Housing Management Section, Housing Services. Anything you discuss with us will be in confidence. Any arrangement to start paying off your arrears will be decided between you and the member of staff you speak to. The arrangement will be based on how much you can afford to pay.

Due to the COVID-19 pandemic we are generally not meeting tenants in person. However, we can arrange to meet you on your doorstep or outside your home whilst exercising social distancing measures. Alternatively, we can arrange to phone you and discuss any concerns and agree repayment arrangements with you by contacting the Housing Service. Anything you discuss with us will be in confidence. Any arrangement to start paying off your arrears will be decided between you and the member of staff you speak to. The arrangement will be based on how much you can afford to pay.

If you would prefer to talk to someone else before speaking to us, or you feel you need assistance with budgeting or debt problems generally, you should contact the Citizens Advice Bureau (CAB), Anchor Buildings, Bridge Street, Kirkwall. (Telephone 01856875266). CAB offer a free, confidential service on a range of matters including financial difficulties.

Rent Arrears

This section outlines how we deal with rent arrears. Dealing with arrears is important to:

- Make the most of the income from rent to ensure that we provide good quality services to all our tenants.
- Meet our financial commitments.
- Help tenants prevent their debts from increasing to unmanageable levels.

Rent Arrears Policy

We follow the law and good practice to help reduce rent arrears, for example, by making sure that tenants receive the benefits they are entitled to.

We view eviction as being an action of last resort that should only be considered when:

- All other means to deal with the debt have failed.
- And it is reasonable to evict.

We involve other agencies to help tenants deal with their arrears. For example, by making sure that tenants know where they can get independent information and advice; and by working closely with Orkney Health and Care.

We also monitor rent arrears through our performance management system. For instance, we work out levels of arrears, the number of tenants in arrears and types of legal actions in place to recover debt.

Finally, we review our Arrears Policy on a regular basis. Amendments are made only after full consultation with tenants, service users and other agencies.

Arrears Procedure

In dealing with tenants' rent arrears we will:

- Make suitable arrangements to clear arrears based on your ability to repay the debt.
- Advise you of benefits that can be claimed and agencies that can provide support.
- Raise court action to recover debt only after all agreements to repay debt have failed and legal action is necessary.

If you have several different debts, we will advise you to seek advice to consider what options might be available. For example, the Debt Arrangement Scheme is a legal procedure which intends to help and protect debtors who owe money to several creditors and who can afford to make payments on a regular basis. Depending on the levels of your debt, and how long it will take to pay, you may be able to apply for a debt payment programme, which is a formal agreement. If you keep to the agreed payments, your creditors cannot carry out enforcement action against you.

Legal Action(s)

We may consider two types of legal actions. The first involves taking court action to recover debt only, for example, using the small claims procedures.

The second action involves going to court to take action to recover both the unpaid rent and to seek eviction. Before taking action for eviction, we will consider all other ways of dealing with the problem. We will not take action for eviction unless it is both considered reasonable to seek eviction and you continue to be in arrears.

Before we can go to court to seek eviction a notice must be served. This notice is called a Notice of Proceedings for Recovery of Possession. This will only be served if you do not initially make an arrangement to pay off your arrears, based on your ability to pay, or you do not keep to the agreed arrangement without having a good reason.

A copy of this notice must also be served on:

- Any member of your family who is aged 16 or over.
- Any subtenant, lodger, or person to whom the tenancy has been assigned, that is, to whom the tenancy has been passed over.

The people on whom this notice is served are known as qualifying occupiers.

Appeal Rights

You have the right to go to court and defend the action for eviction. You should get independent advice and help, for example, from the Citizens' Advice Bureau or Advocacy Orkney for example. Alternatively, you may wish to approach a solicitor engaged in private practice.

Before an eviction order is granted, we must satisfy the sheriff that (a) rent arrears exist **and** (b) it is reasonable to grant an eviction. Only the sheriff can evict tenants for rent arrears.

Even if we get a decree (order) for eviction, it may be possible to stop the eviction. See the leaflet "Breach of Tenancy" for further information on remedies.

Contacts

Housing Management Section

- Housing Services, Orkney Islands Council, School Place, Kirkwall.
- Telephone: 01856873535.
- E-mail: housing@orkney.gov.uk

Rent Section

- Finance Services, Orkney Islands Council, School Place, Kirkwall.
- Telephone: 01856873535 extension 2115 or 01856886311 (direct dial).
- E-mail: revenues@orkney.gov.uk

Housing Benefit Section

- Finance Services, Orkney Islands Council, School Place, Kirkwall.
- Telephone: 01856873535 extension 2116 or 01856886312 (direct dial).
- Email: benefits@orkney.gov.uk

Jobcentre Plus

- West Tankerness Lane, Kirkwall.
- Telephone: 01856885300
- E-mail: Rhona.shearer@jobcentreplus.gsi.gov.uk

Citizen's Advice Bureau

- Anchor Buildings, Bridge Street, Kirkwall.
- Telephone: 01856875266.

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