

HJALTLAND HOUSING ASSOCIATION LTD

Repossession policy: Last Reviewed March 2013

REPOSSESSION POLICY

Introduction

Hjaltland's policy is only to seek repossessions as a last resort and then only for a serious breach of the conditions of the tenancy e.g. arrears, anti-social behaviour, drug dealing or any other criminal activity at the property. Tenants cannot be removed from their homes without a court order.

The process of repossession

- For repossession proceedings to start, the Association must serve a notice on the tenant, and all other residents in the property over the age of 16, in accordance with Section 14(2) of the Housing (Scotland) Act 2001. The notice must be in the prescribed format and must specify:
 - the grounds for recovery as outlined in Schedule 2 Part 1 of the Housing (Scotland) Act 2001
 - a date four weeks from service of the Notice, or the date on which the tenancy could have been brought to an end by a Notice to Quit had it not been a Scottish Secure Tenancy

The later of these dates applies and the Association can raise proceedings on or after that date.

The Association must ensure that there is proof of service of the Notice of Proceedings for the court in case the tenant chooses not to attend court.

- Before a Notice is served, the Association will have followed the requirements of the pre-action requirements of the Housing (Scotland) Act 2010 and contained in the Association's pre-action requirement procedures.
- Where the Association is aware that the tenant is receiving support from Local Authority staff, probation services or health, social or welfare practitioners contact will be made to inform them that the tenant's tenancy is at risk. This action is undertaken to enable the tenant to receive support in maintaining their tenancy and will be done with the full knowledge of the tenant. Where the tenant consistently fails to comply with their tenancy conditions further action will be taken.
- Tenants may continue to occupy the house until the Association has obtained an Order for Possession which the Sheriff will only grant if he is convinced that to do so would be 'reasonable'. Once an order has been granted the Association has the right to recover possession.
- The Housing Services Manager will report to Committee at each Operational Committee updating Members on any Notice of Proceedings issued and the outcome of any court action sought.
- Whilst a Notice of Proceedings can be issued no recovery of possession will be taken, against tenants with resident children in full time education, without the sanction of the Management Committee, who will satisfy themselves that all reasonable methods of dealing with the breach have been explored

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Review

- Last review: October 2009
- Review date: March 2013
- Date approved by Management Committee: March 2013
- Next review date: 2016

This policy will be reviewed every three years.