

DEBT ADVICE TEAM FACTSHEET

DEBT ADVICE LINE
0121 303 2087



EVICTION

If you are a tenant of the local authority (council) or registered social landlord (housing association) you are responsible for paying the rent. Rent is a priority debt and failure to make payments could result in your landlord going to court to evict you.

WARRANT OF POSSESSION

If the judge at your court hearing orders outright possession to your landlord or if you fail to make the payments instructed under a postponed order you may receive a Warrant of Possession. Your landlord will ask the court for a possession date to be agreed. You will receive a letter from the court bailiff giving you a date and time when they will arrive to evict you.

Even at this stage you can still stop eviction action.

You can apply to have the warrant suspended by applying to the County Court. You will need to complete a form called a N244. This can be done at anytime before the eviction date. You will need to take your completed form to the county court.

A fee is payable but if you are in receipt of Income Support or IBJSA, Pension Credit and some in receipt of Working Tax Credit and Child Tax Credit, you can apply for an exemption. If you are on a low income you may be able to apply for a remission. In both cases applications must be made on form EX160 and should be taken to the court at the same time as the N244 along with recent proof of your income benefit.

Forms EX160 and N244 can be downloaded at www.courtservice.gov.uk or obtained from Birmingham County Court. The court will then fix a new hearing usually before the eviction date which you must attend. If you don't, the court is unlikely to suspend the warrant.

If the court decide not to suspend the warrant you will be given an eviction date.

The information provided in this factsheet is for guidance only. Before you take any action it is important to seek advice.

Debt Advice can be obtained from Birmingham City Council on **0121 303 2087** or ask at your local Neighbourhood Office (please call **0121 303 1111** for your nearest office). You can also visit the Council's website: at www.birmingham.gov.uk/debtadviceteam

Factsheet produced by Birmingham City Council's Debt Advice Team – November 2011