

## For Noting

Agenda Item: 11.1

Date of Meeting: 25/09/24

**To:** The Management Committee  
**From:** Housing Services Manager  
**Subject:** Potential Eviction Cases - Rent

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### 1. Introduction/Purpose

- 1.1 The purpose of this report is to make Committee aware of the rent arrears case(s) which have now reached the stage that eviction proceedings are being pursued.

### 2. Background

- 2.1 As per the Rent Arrears Policy and the Scheme of Delegated Authority the authority to raise and enforce eviction proceedings has been delegated to the Director. The role of the Management Committee is to monitor that all appropriate action has been taken and adheres to the requirements of the Pre Action Requirements introduced in 2012 before eviction proceedings are pursued.
- 2.2 We operate a checklist to ensure that all the Pre Action Requirements are satisfied. All arrears cases which are being put forward for legal action are carefully monitored. When all steps have been taken, the case is put forward to the Director to authorise key stages of the process including issuing a NPRP, raising a court summons and requesting an eviction order.
- 2.3 Detailed below is some key information about the case(s) which are at the stage where eviction proceedings are being pursued.

### 3. Potential Eviction Cases

There are no cases calling in court for Eviction.

### 4. Pre-action Requirements

- 4.1 Not applicable, as there are currently no cases calling in court.

### 5. Risk

- 5.1 When considering the matter of taking legal action against tenants with arrears, the main risks have been identified under the following risk

categories and the measures we have taken to mitigate such risks.

Risk Category	Mitigating Measure
<b>Legislative and Regulatory -</b> <ul style="list-style-type: none"> <li>Failure to comply with Pre Action Requirements Order 2012</li> </ul>	<p>A checklist is operated to ensure that all Pre Action Requirements are being met before legal action is considered.</p> <p>Having robust policies and procedures ensures that all steps are taken to manage appropriately tenants who have rent arrears.</p> <p>Performance reports provided to Committee on a quarterly basis.</p>
<b>Financial –</b> <ul style="list-style-type: none"> <li>Failure to collect rental income</li> </ul>	<p>We have a clear and comprehensive policy for dealing with arrears management</p>

## 6. Delivery of our Strategic Objectives

6.1

Area	Related Strategic Objective(s)
<ul style="list-style-type: none"> <li>Compliance with The Scottish Social Housing Charter</li> <li>Reports to Committee.</li> </ul>	<p>4) Be innovative and risk aware</p> <p>7) Achieve the highest standards in all that we do</p>

## 7. Application of our Core Values

7.1

Area	Related Core Value(s)
<ul style="list-style-type: none"> <li>Compliance with The Scottish Social Housing Charter</li> <li>Reports to Committee.</li> </ul>	<ul style="list-style-type: none"> <li>Accountable and Compliant</li> <li>Excellent and Committed</li> <li>Engaged and Responsive</li> </ul>

## 8. Compliance and Assurance

8.1

Compliance Source	Details
The Standards of Governance and Financial Management for RSLs	<b>Standard 1</b> – The governing body leads and directs the RSL to

	<p>achieve good outcomes for its tenants and other service users.</p> <p><b>Guidance 1.3</b> – The governing body ensures the RSL complies with its constitution and its legal obligations. Its constitution adheres to these Standards and the constitutional requirements set out below.</p>
Pre Action Requirements Order 2012	Actions required to be carried out before commencing legal action.
The Scottish Social Housing Charter	<p><b>Outcome 11</b> – Tenancy Sustainment</p> <p><i>Social landlords ensure that tenants get the information they need on how to obtain support to remain in their home and ensure suitable support is available, including services provided directly by the landlord and by other organisations.</i></p>

## 8.2 Evidence Bank

Evidence	Assurance Exercise Location
<ul style="list-style-type: none"> <li>Cover Report</li> </ul>	The Scottish Social Housing Charter: Outcome 11

8.2.1 Committee is reminded that our Assurance Exercises are available in the Committee Log-in Area of our website, which Committee can access at any time.

## 9. Summary

9.1 In line with our Arrears Policy, we have pursued legal action against one of our tenants for non-payment of rent.

9.2 There are no cases currently calling in court for Eviction.

9.3 Section 4 shows how we comply with the requirements of the Pre Action Requirements Order 2012 and Scottish Social Housing Charter.

9.4 Risk has been considered at Section 5.

9.5 Section 6 shows how complying with the Scottish Social Housing Charter

contributes to the delivery of our Strategic Objectives.

9.6 Section 7 shows how complying with the Scottish Social Housing Charter contributes to the application of our Core Values.

9.7 Committee are requested to note the content of the above report.