

I've been told to leave my home – what are my rights?



This leaflet provides a summary of the rights you have if you have been asked to leave your home. Usually you will be entitled to some notice to leave, but the situation varies depending on the kind of living arrangement you are in.

Help when you need it

If you have been asked to leave your home please contact Luton Borough Council as soon as you can, as we may be able to help through our free housing advice service.

You will be able to see a housing advisor who can advise you of your rights to occupy the property and if your eviction can be stopped.

You will also have fewer rights if your landlord or the owner was living in the same property as you at the time you moved in.

The advisor will speak directly to the person asking you to leave, to see if anything can be done to keep you in your home. The advisor will make sure that all the advice is targeted to your own particular circumstances.

You should not make any decision about leaving your home until you have spoken to the Council.

If you are living with friends or family

If you are living with friends and family, or in another family's home, you are not legally entitled to any prior notice for leaving nor are you entitled to have that notice in writing. But you should ask for as much notice as possible to allow you to make other arrangements.





Paying a rent (or board and lodgings) doesn't increase your rights under this living arrangement. So if you are given notice to leave your home, you should get advice from the Council as soon as you can.

If you are renting a property from the Council

If you are being asked to leave a council property, it is likely that the reason will be because of a breach of your tenancy agreement.

The Council will have told you what the breach is before you have been given notice to leave. Some of the reasons for a breach of tenancy include rent arrears, anti-social behaviour or your property being used for illegal activity.

The process of eviction will take some time, but the more serious the breach, the faster the eviction will take place.

A set procedure takes place in all cases:

Firstly you will receive a notice from the Council stating how long it will be before we apply to the county court for possession of the property.

Once this has happened, the Council can apply to the court and a hearing date will be set. You can attend the hearing yourself to give your side of the story.

If the judge agrees with the Council, a possession order will be granted and you will be given a date by which to leave.

If you are renting a property from a Housing Association

The process is the same as if you were renting from the Council (see above).

If you are renting from a private landlord

If you moved into your property after February 1997 you are more than likely to hold an Assured Shorthold tenancy. This is what all

private tenancies are now known as and are usually for a set time period.

To get you to leave, your landlord will need to serve you a Notice to Seek Possession (NSP). The notice period they are required to give will depend on the reason you are being asked to leave.

If you have not breached the terms of your tenancy, your landlord will need to serve you a NSP with at least two months notice. If you have broken some part of your tenancy agreement (including building up rent arrears) that period could be less.

Once this notice has expired, your landlord will need to make a court application. This process could take around four to six weeks.

If the court grants a possession order, you will be given a date to leave your home. Even at this point you are not obliged to leave the property.

It is important to note that if you wait for bailiffs to evict you may be liable for bailiff costs.

If you remain there, the landlord will then need to apply to the court for an eviction notice. When granted, this will give you a final date to vacate the property. This notice will be enforced by bailiffs and will expire about four to five weeks after the landlord makes his application (this is the time you must leave).

As you can see the process can take around four months, depending on the landlord acting promptly at each stage.

We advise that as soon as you receive any notices from the landlord that you get advice from the Council.

The landlord must carry out certain actions to successfully obtain a court order and if they do not do them, there is a chance the application will be rejected.

If you are living in a property on which you are paying a mortgage

If your mortgage lender is threatening action to have you evicted, the most likely reason is because arrears have built up on payments.

However, a mortgage lender cannot gain possession of your house without a court order. The lender will also need to inform you this is happening.

The first thing you should do is contact your lender and inform them you are having trouble paying the mortgage. Quite often your lender will be helpful and will work with you to find a solution.

If the lender does not solve the problem you should visit the Council at the Town Hall (address on back page), bringing along all relevant documentation, such as proof of identification, bank statements and letters from your lender.

There are a number of options the Council can suggest, including negotiating with your lender. You should make contact as soon as you get into arrears or feel you might not be able to pay your mortgage. We can also advise you about other secured loans or debts. The sooner you get in touch, the better the chance you can avoid being evicted.

**If you need this in large print, on
tape or in**

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01582 51 03 70

For more information

**Luton Borough Council's Housing Solutions Team can be
reached on 01582 51 03 70 or by
email at housingneeds@luton.gov.uk**

Opening times

**Monday – Thursday and Friday 9.00am - 5.30pm
Wednesday 10.00am - 5.30pm**

**Telephone: Monday to Friday 9.00am - 5.30pm
Telephone 01582 51 03 70**

or write to them at this address:

Housing Solutions Team, Town Hall, Luton LU1 2BQ

**A wide range of information leaflets is available from the
customer service centre at Luton Town Hall
or visit www.luton.gov.uk/leafletsonline**

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