Housing Rights

https://www.housingrights.org.uk/landlords/rent-and-rates/dealing-rent-arrears

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Dealing with rent arrears

This information is for private landlords of properties in Northern Ireland.

If you are a tenant, you can find advice here.

If you are a landlord or letting agent in Northern Ireland seeking advice, you can:

- send a message to Landlord Advice, or
- call 028 90 245 640 (Option 1)

Dealing with rent arrears

Late or unpaid rent can have a huge effect on your own finances.

Try to deal with rent arrears as soon as possible. It will be harder for tenants to repay arrears if they have missed several rent payments.

Talk to tenants about rent arrears

Contact your tenants to find out why they have not paid the rent.

Tenants can miss payments due to:

- illness
- banking problems
- benefits or salary payment delays
- tenant's unhappiness with conditions in the property

Send a letter or email to your tenants after you speak to them. This message should explain:

- what payments have been missed
- what the tenant agreed to do to repay the missing rent

If your tenants are having money problems, they can get advice on extra financial support.

Agreeing a plan to repay rent arrears

It can be difficult for tenants to repay arrears in one lump sum. Talk to your tenant about repaying the debt in regular instalments. Make sure to get any agreement you reach in writing.

The Housing Mediation Service may be able to help you and your tenant agree on a manageable repayment plan.

Dealing with arrears when a tenant is on benefits

Social security benefits rarely cover the full amount of rent for private tenants.

If your tenants are struggling to pay the full amount of rent, you can:

- make sure tenants on Universal Credit are getting help with rates
- encourage tenants to apply for a Discretionary Housing Payment (DHP)
- ask for housing-related benefits to be paid directly to you
- arrange for deductions from benefits to go towards arrears

Discretionary Housing Payment

Tenants already getting Universal Credit or Housing Benefit can apply for an extra payment to help with a rent shortfall.

It’s called a Discretionary Housing Payment or DHP. It can help to prevent arrears from building up.

Rate Rebate

Tenants who get Universal Credit need to apply separately to get help with rates. Even if rent includes rates, tenants are still entitled to apply for financial help towards rates.

Getting benefits paid directly to the landlord or agent

Some tenants prefer to have benefits paid to them directly. But if rent arrears continue, you can ask for benefit payments to be made directly to you instead.

For tenants getting Universal Credit who are in two months' arrears you can:

- set up a direct payment online

For tenants getting Housing Benefit who are in six weeks' arrears you can:

- call the Housing Executive on 0344 8920 902

Setting up deductions from benefits to go towards arrears

If rent arrears continue, you can ask for money to be taken from the tenants' benefits to go towards the arrears. The maximum deduction is 5% of the standard allowance the tenant gets towards their living costs.

You need to contact the relevant benefit agency to request deductions from benefits.

Eviction for rent arrears

It can often be easier to work with a tenant to reduce arrears rather than ending the tenancy. But failing to pay rent is a breach of tenancy terms. You have the right to evict a tenant who does not address rent arrears.

You will need to write to your tenant and tell them:

- you are ending the tenancy because they have not paid rent
- the date by which they must leave the property
- what you plan to do to recover the unpaid rent

Make sure you give your tenant the correct notice period in writing. If your tenant doesn't move out, you must follow the correct legal process to evict them.

Options for recovering rent owed

If your tenant moves out and still owes you rent, you can:

- propose a deduction from the deposit to cover unpaid rent
- contact your tenant’s guarantor to recover arrears
- take legal action against your tenant and/or their guarantor

You will need to give evidence of the money owed, for example, bank statements and written correspondence with your tenant about the debt.

You can use the small claims court if you are pursuing arrears up to £5,000. If you want to make a claim for more than £5,000 you should speak to a solicitor.