Housing Rights

https://www.housingrights.org.uk/housing-advice/eviction/rent-arrears

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Rent arrears

This information is for people living in Northern Ireland.

If you owe money for your rent, it’s often called ‘being in arrears.’ Rent arrears means you missed rent payments and you owe your landlord money. No matter how you ended up owing money, it’s best to deal with it as soon as possible. If you do not, your landlord could evict you. There are lots of ways to get help and work things out.

The eviction process is a little different if you are a private renter or a social renter. In either case, your landlord must follow the proper process to evict you.

As a private tenant, you might be interested in taking part in Renters' Voice. Renters' Voice is supported by Housing Rights. It's a group of people who rent privately in Northern Ireland that works to influence landlords, politicians, and government to make private renting better for everyone.

Get debt advice

It can be hard to ask for help when you owe money. If you are having trouble paying rent, there are lots of agencies who can help for free. It’s worth asking for help even if it feels hard.

Some agencies with advisers who can help you with managing debt include:

- Advice NI
- Citizens Advice
- Stepchange

Get a Discretionary Housing Payment (DHP) to help with rent

If you're on a low income, make sure you get the benefits you're entitled to, to help pay your rent. This includes a Discretionary Housing Payment (DHP) and help with rates. You can apply for a DHP on the Housing Executive's website.

To be eligible for a DHP you must be entitled to:

- Housing Benefit, or
- the housing cost element of Universal Credit, or
- be affected by the benefit cap

If you're not sure what you can get, contact Make the Call for a benefit check.

You must explain why you need help, how much you owe and if your landlord will evict you if you do not pay your rent arrears. The Housing Executive reviews your application and decides how much you get. Every April, they'll review what amount of a DHP you get.

Our advisers can help you make a DHP application.

You need to tell the Housing Executive if your housing situation changes. You may be able to get a higher DHP if your:

- Universal Credit reduced in October 2021 when the extra £20 payment stopped
- income or situation changed, and you need more help
- address changed and your rent is higher
- current landlord increased your rent

Private renter in arrears

If you're a periodic tenant, your landlord can start the eviction process as soon as you miss a rent payment. They do not need to negotiate with you. If you're a fixed-term tenant, your landlord should give you a chance to pay the missing rent before starting the eviction process.

Private landlords may delay the eviction process if you agree and stick to a plan to pay back what you owe. You should:

- talk to your landlord if you might miss or not make a full payment – this helps the landlord plan ahead and shows you can manage the problem
- pay as much as you can – this shows the landlord you're working hard to fix the problem
- pay arrears back in instalments – settle on an amount that works for you and your landlord
- do a benefit check to see if you can get more help with your rent or rates

Housing Rights has a free mediation service for tenants and landlords in the private rented sector. Mediation can help resolve housing disputes, including issues related to rent arrears.

Social renter in arrears

Before starting the eviction process, a social landlord must:

- discuss your arrears with you and give you the chance to get help and advice
- tell you to apply for benefits and get advice about your money
- start taking money from your benefits to pay back what you owe (they'll send a letter before they start taking from your benefits and you can respond to negotiate)

If you do not respond to a letter from your social landlord, they'll usually ring or come to your home to talk about the problem. They're not likely to take you to court if you:

- owe less than £300
- are waiting to see if you will get Housing Benefit or Universal Credit
- agree to a plan to pay back what you owe and you're sticking to it

Work with your landlord to make a repayment agreement

When you talk to your landlord about paying them back, there are a few ways you can do it such as:

- paying all the money you owe as a lump sum
- adding extra payments on top of your rent
- taking money from your wages or benefits, also known as 'direct deductions'

Start with making a budget to figure out how much you can pay in a lump sum or regular payments. Once you know how much you can afford to pay, talk to your landlord about how you can reasonably pay them back.

Speak to our advisers to review your repayment plan and make sure you can afford it. You may have a better chance of keeping your tenancy by making smaller regular repayments instead of trying to clear your arrears all at once.

Tenants in court for rent arrears

If you do not pay back what you owe or talk to your landlord about a solution, they can take you to court. You should always go to any court dates, even if you're feeling worried or you do not have a solution yet.

Our advisers can help organise your financial information before you go to court. They may also be able to go to court with you and speak on your behalf. It’s important to get in touch as soon as possible once your landlord takes legal action.

Court decisions for rent arrears

Delaying a decision

The judge can delay a decision, also called ‘adjourning a case.’ They can do this to give you time to get advice, sort out benefits or payment problems or because they want more information.

The judge will set a new date for another hearing. You can stay in your home while the case is adjourned. You may have to stick to certain conditions.

Deciding the case isn’t active

The judge can decide to ‘adjourn the case generally’ if it seems like the legal problems are sorted out. This means the case stays in court records but is not active anymore.

Striking out the case

The judge can strike out your case which means your landlord would have to start the process all over again. The judge might do this if your landlord did not follow

the correct legal process.

Possession orders

There are different kinds of ‘possession orders’, or ways the court can take away your home.

1. Outright possession order

You must leave your home by the date on the order. If you do not move out on time, your landlord can apply to evict you.

2. Suspended possession orders (SPO)

You must stick to certain conditions to stay in your home. Once your arrears are cleared, the SPO is not valid. There are two kinds of SPOs, either:

- the judge puts a hold on when the landlord can use the possession order. For example, if you’re sick or someone in your home has exams. The judge will ‘suspend’ the order to give enough time for you to manage your situation.
- after the order and eviction are granted, it’s possible to go back and ask the judge for a SPO. This puts a hold on the eviction. For example, you found a job and can pay your rent.

3. Possession order with a stay

You must leave your home after a certain amount of time. The judge may use this order if you can’t leave right away (for example, you are sick or pregnant) or to give you time to pay off a debt. Once the amount of time passes, your landlord can start taking eviction action.

More advice

- Homelessness assessment
- Getting help towards rent
- Discretionary Housing Payment