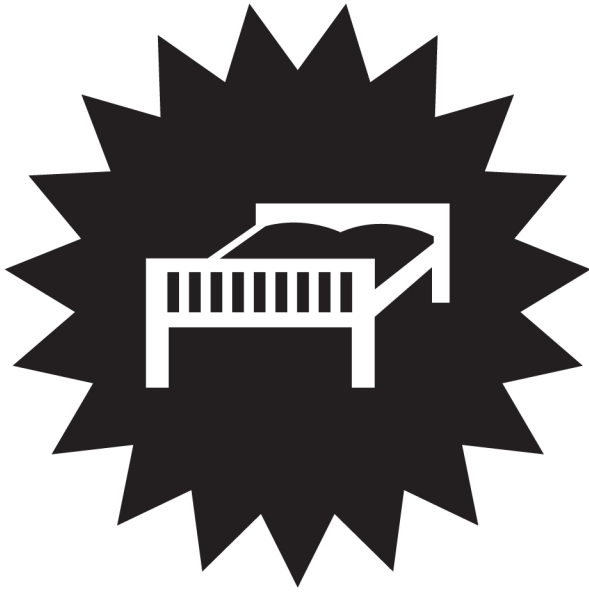


FIGHT THE BEDROOM TAX



★ HOW-TO ★ GUIDE

**YOUR RIGHTS AS A TENANT
WHAT YOUR LANDLORD MIGHT DO
HOW TO RESIST EVICTION**

DISCRETIONARY HOUSING BENEFIT

Could temporarily pay shortfall / Apply immediately / Immediately request appeal to an independent tribunal / Challenge legitimacy of lower housing benefit award due to bedroom tax/under occupancy rule / Do this within 4 week deadline of benefits 'notice'

EFFECT OF RENT ARREARS ON TENANCY

Landlords may take legal action to evict tenants in rent arrears / Landlords MUST first serve a legal 'notice seeking possession' on tenants. / Landlords MUST follow strict procedure at all stages of the eviction process — failure may cause delays. / Court will need to grant possession order in landlord's favour.

**AROUND 660,000
HOUSEHOLDS NATIONALLY
WILL BE AFFECTED BY THE BEDROOM TAX**

STOP THE BENEFIT CUTS!

*This is not a substitute for in depth legal advice and representation. If facing eviction you must, if possible, get advice from a qualified solicitor or advice worker. You may be entitled to free advice and representation under Legal Aid

IN COURT

COUNCIL TENANTS (SECURE TENANTS)

Judge grants possession if reasonable to do so. / Arguments against eviction which should form part of judge's consideration: Cuts in housing benefit make impossible to pay. Lack of suitable alternative accommodation. Proximity of family, schools, medical care etc. / Possession Order should be suspended if tenant has realistic plan to pay arrears in future. / Where council has failed to maintain property — may have counterclaim — could reduce / cancel arrears.

HOUSING ASSOCIATION (ASSURED TENANTS)

Many Housing Associations offer less protection. Sometimes court has to award possession on 'mandatory grounds' / Rent arrears of 2 months+ / With 1 'spare room' takes around 14-15 months for arrears to reach 2 months' worth rent.

WHAT HAPPENS AFTER A COURT HEARING?

'possession order' will give deadline for tenants to vacate. / Many tenants simply ignore order. / Landlord then applies for 'bailiff's warrant' / to take physical possession of property, by force where necessary. / Prove you can pay rent, can still apply to court to suspend eviction.

RESIST THE EVICTION

It is not a criminal offence to peacefully resist eviction. / Criminal offence to "obstruct an officer of the court" enforcing a possession order obtained against trespassers (Section 10 of the Criminal Law Act 1977) / Where possession order not obtained under 'trespasser ground' (ie, overstaying tenants) obstructing county court bailiff not offence in itself, other than contempt of court. / Bailiffs allowed to use "reasonable force" to gain access to building they have writ for. May call the police / police may be present, but the Bailiffs that must carry out the eviction. / Each attempted eviction can be argued / resisted at every stage.

**DON'T PANIC / STAY PUT &
FIGHT BACK!** 

ANTIBEDROOMTAX.ORG.UK