



## **Eviction Policy Statement – Conduct Grounds**

### **1. Purpose**

This policy details the Council's aims and objectives with regard to tenants whose conduct breaches the conditions of tenancy under the Scottish Secure Tenancy Section 3 "Respect for Others".

### **2. Policy Aims**

We will:-

- 2.1 Sustain tenancies, prevent homelessness and ensure that all tenants comply with their tenancy conditions.
- 2.2 Fulfil all our legal obligations as a landlord to ensure that tenants live in a safe and secure environment.
- 2.3 Work with tenants to help them meet their responsibilities with regard to the conduct of their tenancy.
- 2.4 Deal with breaches of tenancy conditions due to Conduct and act proportionately trying to resolve problems without recourse to legal action. However, there may be instances because of serious anti-social behaviour or racial harassment where there is no option but commence legal action.
- 2.5 Take a corporate approach when considering legal action for eviction. Where children are members of the household the Council will ensure that relevant Council departments, in particular homeless sections and Social Work are consulted in the decision making process prior to deciding whether to take legal action to evict a tenant.
- 2.6 Liaise with other appropriate agencies to try to sustain tenancies.
- 2.7 Keep the tenant and "Qualifying Occupiers" informed at all stages of the process and make them aware of the options available to them.
- 2.8 Ensure that the tenant(s) and members of the household are treated with respect and dignity if an eviction is carried out.
- 2.9 Fulfil our legal obligations with regard to tenant's belongings or furnishings removed at eviction.

### **3. Preventative measures**

We will:-

- 3.1 Ensure that all tenants have a safe and energy efficient home to live in.
- 3.2 Inspect and repair all properties prior to letting.
- 3.3 Advise tenants of their rights and obligations at tenancy “sign-up”.
- 3.4 We will reiterate tenant’s rights and obligations during “settling in” visits.
- 3.5 Always attempt personal contact with tenants where a breach of tenancy occurs.
- 3.6 Ensure that tenants have access to any necessary support, advice and assistance to enable them to comply with their tenancy conditions.
- 3.7 Advise tenants at all stages of the eviction process of the possible implications if they fail to meet their tenancy obligations.
- 3.8 Offer advice and assistance to tenants to try to prevent abandonment or termination of tenancies.
- 3.9 Carry out a full advice and support assessment of tenant’s needs before commencing Court Action.
- 3.10 Agree with tenants’ groups standards of acceptable behaviour with regard to conduct.
- 3.11 We will agree with tenants’ groups the various measures that can be used prior to legal action e.g. Warnings, Mediation, Housing Support, ASBOs.
- 3.12 Provide support to “vulnerable” tenants to help them comply with their tenancy conditions.
- 3.13 Ensure that Black, Minority and Ethnic tenants have access to relevant information and advice.
- 3.14 Work cooperatively with all agencies (including the Police, Victim Support, Community Mediation, Grampian Racial Equality Council etc) to avoid evicting tenants.
- 3.15 Establish information protocols with appropriate agencies (e.g. Police) to ensure that relevant information is shared.
- 3.16 Ensure that the Council’s Social Work and Homeless Sections are advised at an early stage if households maybe threatened with eviction because of a breach of tenancy.

- 3.17 Address any breaches of tenancy at an early stage to prevent problems escalating.
- 3.18 Train our staff to be aware of tenant's Conduct obligations and the various methods of resolving breaches of tenancy.
- 3.19 Allow tenants to appeal any decision that they feel is unfair or wrong. Tenants will be made aware of the Council's Complaints procedures and that complaints can be referred to the Scottish Public Services Ombudsman.

#### **4. Eviction Process**

The Council commits to the following criteria when considering eviction action:

- 4.1 Prior to commencing legal action for repossession the Council will be satisfied that all other options have been tried to resolve the problem and there is sufficient evidence to justify raising an action and that it is reasonable to evict.
- 4.2 The Council will have regard to the nature, frequency and duration of the Conduct. In addition, the Council will consider the effect of the Conduct on neighbours.
- 4.3 The Council will record accurately all evidence relating to breaches of tenancy that can be used in Court.
- 4.4 We will give the tenant and "Qualifying Occupiers" ample notice of the Council's intention to evict once a decision has been made to proceed.
- 4.5 We will ensure that Homeless advice is give to the tenant.
- 4.6 In the event that an eviction proceeds Council staff and Sheriff Officers will carry it out professionally and diligently to maintain the dignity of the tenant and members of the household.
- 4.7 Any belongings of value removed at eviction will be stored and subsequently disposed in keeping with the legal requirements specified within the Housing (Scotland) Act 2001.

#### **5. Monitoring**

- 5.1 We will record and report the number of NOPs issued, the number of legal actions commenced, Court Decrees granted and Evictions carried out due to breach of tenancy. The Council will also report on the ethnic origin of tenants where action is taken because of breach of tenancy.

## **6 Equality and Diversity**

- 6.1 In all aspects of the eviction process, we will seek to combat discrimination and promote equal opportunities for all tenants with regard to all aspects of policy and procedure. This means the prevention, elimination or regulation of discrimination between persons on grounds of age, sex, race, religion, disability or sexual orientation.
- 6.2 The Council will comply with the European Convention on Human Rights at all stages of the Eviction and tenancy management process.

**Approved by Social Work and Housing Committee on 21 June 2007**