

**FORMER TENANTS' ARREARS  
POLICY AND PROCEDURE GUIDE**

## Policy Statement

Wear Valley District Council is committed to equal opportunities and equality of access to services. The recovery process will not discriminate against a person because of their ethnic origin, religious beliefs, language, geographic location, special needs and learning difficulties, sexual orientation, gender, age or disability. ***A copy of this document is available in Braille, in large print, on audio tape, on CD Rom, or in other languages***

Wear Valley District Council's aim is to always recover former tenants' arrears in a fair and equitable manner. Debts owed to the Council greatly reduce the level of service we can provide to our customers. The Council also has a legal obligation to recover debts from customers.

The Council have an Officer dedicated to recovering former tenants' arrears. This Officer works closely with colleagues and with other agencies to ensure that debts left by former tenants are recovered as quickly and as fully as we possibly can.

The Council will always follow the available legal courses available to it and will prosecute to recover debts wherever this proves necessary.

Where it has not proved possible or economical to recover a debt it may be referred to Council with a recommendation that it be written off. This means that whilst it is removed from our current accounting systems it is held on record and will be recovered should circumstances allow at a later date.

We will take into account a customer's ability to repay but will seek to have debts recovered in a reasonable period of time.

# **PROCEDURE GUIDE**

## **IDENTIFICATION OF FORMER TENANTS ARREARS**

Within 7 days of identifying arrears consideration will be given to be best course of action, taking into account the level of the debt, if the former tenants' whereabouts are known and whether the tenant is deceased. At this point where no forwarding address is available the trace process begins. This will include checks with neighbours, utility companies, electoral registration and any other contacts available through our records.

### **STAGE ONE – First Letter**

Within 7 days of the account terminating FTA1 (APPENDIX ONE) will be sent to the customer requesting payment or contact within 7 days. The account will be checked for any likelihood of overpaid housing benefit or supporting people chargers. It is also possible that once a property inspection has taken place rechargeable repairs could be identified. The letter advises of this.

If the customer has deceased letter DEC1 (APPENDIX TWO) will be sent to the executors informing them of the debt and requesting payment from the estate.

Should the customer have been unable to clear the account in full, either because there is no estate or due to financial difficulties a reasonable offer of repayment will be accepted taking into account income and expenditure. An arrangement is more likely to be adhered to if it is reasonable and affordable.

### **STAGE TWO – Second Letter**

This next stage is dependent upon the level of arrears. If contact has not been made or an acceptable arrangement not achieved within 7 days the following action will be taken:

- £20 and under or no estate - process for write off
- Over £20 FTA2 (APPENDIX THREE)

FTA2 requests the customer to contact us within 7 days otherwise the debt will be handed to our collection service.

Reasonable offers of repayment will also be accepted at this stage.

### **STAGE THREE – Referral to Collection Service**

This next stage is also dependent upon the level of arrears. If contact has not been made or an acceptable arrangement not achieved within 7 days the following action will be taken:

- Below £30 process for write off
- Over £30 FTA3 (APPENDIX FOUR)

FTA3 is sent to the customer advising them that we are now placing the recovery of the debt in the hands of our collection service. From this point on the customer must deal directly with the collection service.

#### **STAGE FOUR – Consideration for write-off**

The case is returned from the collection service as they are unable to collect the debt. A decision will be taken at this stage whether to write off the debt taking into account the following:

- do we know where the tenant lives
- the age of the debt
- level of the debt
- income of the debtor – are they in employment, in receipt of state benefits etc

If the debt is uneconomical to pursue because of the above factors a report will be produced for the Neighbourhood Manager. Should the Neighbourhood Manager agree to the write off he/she will forward the report to Central Resources for action.

#### **STAGE FIVE – Recovery through the County Courts**

There are a number of methods of recovery debts through the County Court: depending on the level of arrears and if a Judgement had already been obtained:

##### **Judgement in Force**

- request an Attachment of Earnings, if the customer is in employment
- Third Party Debt and Charging Order, if the customer holds a bank account or owns property
- Warrant of Execution, if the customer has worthwhile assets

##### **No Judgement In Force**

- Issue a claim in the County Court

In the above instance if the Court finds in favour of the Council they will award a Monetary Judgement Order which means the customer is ordered to repay the debt at an agreed rate and intervals.

#### **STAGE SIX – Write-Off**

If all methods of recovery have been unsuccessful the debt will be written-off. However, our records will still show the customer has an outstanding debt with us and the recovery process can begin again at any time.



Civic Centre  
Crook  
County Durham  
DL15 9ES  
Telephone 01388 765555  
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**WEAR  
VALLEY**  
DISTRICT COUNCIL

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HOUSING SERVICES DEPARTMENT

DIRECTOR MICHAEL LAING

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**This matter is being dealt with by «ArrsOff»**

**Direct Line: «ArrOffMob»**

**e.mail address: «ArrOffEmail»**

Reference

Dear

Your tenancy of \_\_\_\_\_ ended on \_\_\_\_\_ with an outstanding balance of £ \_\_\_\_\_. In the event of any Housing Benefit reclaim or repairs to the property considered your responsibility, this may not be the final balance.

If you are unable to clear the account in full and wish to make an agreement to pay by instalments please contact me within 7 days. If you do not clear the account or contact me further action will be taken to recover the debt.

If you have difficulty understanding this letter, please contact us on the above number and we can arrange to have it produced in other formats, such as Braille, in large print, audio tape or in other languages.

Yours sincerely

«ArrsOff»  
Housing Officer



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HOUSING SERVICES DEPARTMENT

DIRECTOR MICHAEL LAING

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**This matter is being dealt with by «ArrsOff»**

**Direct Line: «ArrsOffTel»**

**e.mail address: k.dawson@wearvalley.gov.uk**

**Tenancy Reference: «TencyRef»**

**Dear Sir/Madam,**

**Formerly of**

I was sorry to hear that died recently. Please accept my sincere condolences on your loss.

Our records show that at the time the tenancy ended there was an amount outstanding on the rent account of £«CurBal». If it is possible to clear the account payment should be made quoting the above tenancy reference number. Should you not be in a position to do so please contact me at the above address. Alternatively, if there is an estate or will, I would be grateful if you would pass this request to the solicitor or executor handling their affairs.

Rent is charged until such times as the keys to the property are returned to the housing department. This means that for any weeks that the keys are not in our possession following the death of full rent is payable. You should also be aware that Housing Benefit will not be paid during this time.

If you have difficulty understanding this letter, please contact us on the above number and we can arrange to have it produced in other formats, such as Braille, in large print, audio tape or in other languages

If I can be of further help please contact me at the above address.

Yours faithfully

«ArrsOff»  
Housing Officer



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HOUSING SERVICES DEPARTMENT

DIRECTOR MICHAEL LAING

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This matter is being dealt with by «ArrsOff»

Direct Line «ArrOffMob»

e.mail address: «ArrOffEmail»

Dear

**Former Tenancy of  
Arrears £**

I refer to my previous correspondence regarding the above outstanding amount.

As you have not contacted me and the debt still remains unpaid I now intend to refer this matter to The Authority's Debt Recovery Agency (Jacobs Certificated Bailiffs).

If you want to stop this action you must contact me within seven days.

If you have any difficulty understanding this letter, please contact us on the above number and we can arrange to have it produced in other formats, such as Braille, in large print, audio tape or in other languages.

Yours sincerely

«ArrsOff»  
Housing Officer



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**This matter is being dealt with by «ArrsOff»**

**Direct Line «ArrOffMob»**

**e.mail address: «ArrOffEmail»**

Dear

**Former Tenancy of  
Arrears £**

I refer to my previous correspondence regarding the above outstanding amount.

As you have not contacted me and the debt still remains I have referred this matter to The authority's Debt Recovery Agency (Jacobs Certificated Bailiffs).

Jacobs will contact you shortly to recover the debt.

If you have any difficulty understanding this letter, please contact us on the above number and we can arrange to have it produced in other formats, such as Braille, in large print, audio tape or in other languages.

Yours sincerely

«ArrsOff»  
Housing Officer