

Appendix 1

Pre-action Requirements

Section 155 of the Housing (Scotland) Act 2010 sets out additional procedures for serving notice on a tenant to recover a property. Our policy and related procedures are underpinned by the Scottish Government's Housing (Scotland) Act 2001 and 2010 Guidance for Social Landlords on Pre-Action Requirements and Seeking Repossession of Social Housing (for the full guidance see: <http://www.scotland.gov.uk/Publications/2012/06/2337/0>)

The guidance outlines the pre-action requirements we are required to satisfy before serving a Notice of Proceedings to recover the property. These include details of the action we have taken to resolve the arrears up to the date when the notice is served.

In line with this legislation, we must provide clear and accurate information in the notice on the following pre-action requirements:

- We have provided clear information to our tenant about the tenancy agreement and the unpaid rent or other financial obligations;
- We have made reasonable efforts to give help and advice on eligibility for Housing Benefit and other types of financial assistance;
- We have provided our tenant with information about sources of help and advice with the management of debt;
- We have made reasonable efforts to agree with our tenant a reasonable plan for future payments;
- We have given consideration to the likely result of any application for Housing Benefit our tenant has made that has not yet been decided;
- We have given consideration to other steps our tenant is taking which are likely to result in payment within a reasonable time;
- We have given consideration to whether our tenant is complying with the terms of an agreed plan for future payments; and
- We have encouraged our tenant to contact their local authority (where the local authority is not the landlord).

In complying with the guidance and pre-action requirements, we will ensure that all reasonable efforts have been made to try to resolve the arrears before serving the notice. We will give consideration to any support needs our tenant may have, including difficulty in reading or understanding information. We will take reasonable steps to make sure information is communicated in a way that is easy to understand. This may include communicating via a support worker where permission has been given by our tenant.