

- The reason(s) or ground(s) for why we are seeking an eviction.

What happens once a Notice of Proceedings is served?

A Notice of Proceedings is valid for 6 months. If we have not started legal proceedings (i.e. asked for a court date) within 6 months of the date stated on the notice, this means that the notice has expired.

The Association would hope that serving a Notice of Proceedings is enough to persuade the tenant to stop acting in an anti-social way. This is often the case and if complaints stop being received then no further action will be needed and the Notice will expire.

When a Notice is served, the Association will write to all residents who have complained about the tenant and if they live in a block of flats, all other residents will be written to. The residents will be asked to keep a note of any incidents that happen in the future as evidence will be needed if the case proceeds to court action.

For legal action to be successful, the Association needs to have enough evidence to prove to a Sheriff that it is “reasonable” to grant a Decree of Eviction. This is not a decision that a Sheriffs will take lightly because someone is losing their home.

Do I have to attend court?

If the case is proceeding to court and the tenant is defending the action then what is called a Proof Hearing will be arranged. This means that evidence will need to be given by staff from the Association and any witnesses to the

behaviour. These can be Police officers, Community Wardens and Anti-Social Behaviour Investigation Team officers but you may be asked if you would attend court as a witness.

If you are happy to attend court and tell the Sheriff how you have been affected, staff from the Association will support you during this process to make it as comfortable for you as possible.

If you feel that you cannot attend in person, we will ask that any written evidence or statements that you have submitted be used instead.

What happens if Decree is granted?

If the sheriff grants decree, it will be several weeks before the tenant can be forced to leave the property as there is a waiting period of 2 to 3 weeks after the court date before the paperwork is ready and the tenant has to be given 14 days clear notice of the Eviction date.

On a positive note, it is very rarely that the Association needs to proceed with Eviction action for Anti-Social Behaviour.

We aim to resolve matters amicably and quickly and to allow all residents to have quiet enjoyment of their home.



OTHA Tenant Information Leaflet

Anti-Social Behaviour Information

This leaflet tells you about the way in which OTHA deals with Anti-Social Behaviour

This leaflet can be made available in large print, on tape or in an alternative language or format on request.

Making a complaint

Sometimes you need to make a complaint about behaviour, which is affecting you. You can discuss the problem with a member of the Housing Services team or you can write to us. You can also email the Association or submit an enquiry via our website www.oaktreeha.org.uk

Most complaints about Anti-Social behaviour are resolved quickly and effectively. The Association aims to deal with complaints promptly as it can stop a situation escalating.

Although we will discuss any concern with you, we will usually only act on complaints about other tenants submitted in writing. If the Association needed to commence legal action then written statements are vital in providing evidence to the Sheriff that Anti-Social behaviour is being experienced.

If you make a complaint, we will discuss the details with you and agree a course of action. We then take steps to verify the facts by speaking with other neighbours, the police or other witnesses if that is possible. We do not reveal the details of the person making the complaint.

We normally agree to approach the person responsible and discuss the problem behaviour with them. The implications for them if the problems are not resolved are discussed with them. Their future behaviour would then be monitored.

It can be difficult for Association staff to witness the anti-social behaviour because we generally work Monday to Friday 9.00 am till 5.00 pm and

a lot of anti-social behaviour takes place outwith these times.

The Association works with a number of other agencies who can also help and are available outwith office opening hours.

The Anti-Social Behaviour Service has a freephone service that you can call on 0800 01 317 01. There is a message service if the call is outwith the opening hours

The Police can be contacted on 101 for a non-emergency call or 999 if it is an emergency.

There is also a Mediation Service provided by Inverclyde Council that offers impartial and confidential advice and it can be a very effective way of resolving conflict resolution.

We would inform you of the outcome of discussions and any steps we were taking such as serving a warning or a Notice of Proceedings.

More Serious Problems

Unfortunately, sometimes a more serious problem develops where a neighbour indulges in serious anti-social or illegal behaviour. Due to intimidation, you may find it hard to make a complaint or you may be unwilling for us to take any action, but we would still like you to tell us about the problem. There may be a way of collecting impartial evidence - we may work with the Police to increase their involvement or bring in professional witness. If the problem is severe, there may be a record of complaints from other tenants.

When illegal behaviour is involved, complaints should be made to the Police - you should also report the problem to us. We do not get information on a routine basis from the Police about criminal charges brought against our tenants.

Remedies for Serious Breach of Tenancy

If a breach of tenancy is severe and persistent, we have a range of legal remedies which include:

- Serving a Notice of Proceedings
- Proceeding to Court to request a Decree of Eviction
- Seeking an anti-social behaviour order (ASBO) to prevent anti-social behaviour
- An action for specific implement if a tenant needs to carry out a positive act to comply with their tenancy agreement

Other agencies can take a variety of legal steps to deal with problems that fall within their remit e.g. removing noisy stereos, closing premises, parenting orders, prosecuting people for a range of offences.

What is a Notice of Proceedings?

A Notice of Proceedings is a legal document, which is the first step in the legal process that can lead to an eviction. It is served on the tenant and it will tell them:

- That we can apply to get an order from the sheriff court for you to leave the property
- The earliest date that we can contact the court to request a court date (this will be at least 4 weeks away)