

## Guidance Notes: Rent Arrears from Residential

### 1. Introduction

These Guidance Notes are for residential landlords whose tenants are in arrears of rent. The

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Landlords should be aware of the **Coronavirus Rent Moratorium and Mental Health Regulations 2020**, which provides a breathing space for tenants (and anyone who is a tenant) from chasing a tenant (and anyone who is a tenant) for arrears, charging late interest and fees, and taking any enforcement action. Government guidance on these regulations can be found [here](#).

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### 2. Rent Payment Reminders

If the Tenant has been late with payments of rent on time. Send a reminder letter to the tenant referring to the late payments of rent on time. Send a reminder letter to the tenant referring to the late payments of rent on time.

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- *Reminder to Pay Rent*
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*Reminder to Pay Rent* (PROP.RES.21); or  
*Reminder to Pay Rent* (PROP.RES.24).

If a payment of rent is due, the first step is to send a reminder letter. This record should be kept and the date the payment was due. It requests payment by a specified date. If payment is not made by a specified date, the landlord may wish to write to the tenant referring to the late payments of rent on time. Send a reminder letter to the tenant referring to the late payments of rent on time.

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- *Rent Arrears Letter*
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*Rent Arrears Letter* (PROP.RES.22); or  
*Rent Arrears Letter* (PROP.RES.25).

### 3. Letter of Claim

If rent remains unpaid after the landlord has sent a reminder letter, the landlord may wish to take legal action against the tenant to recover the arrears or to obtain possession of the property.

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Before the landlord takes legal action, the tenant must be given a final chance to settle the rent arrears. This is done by sending a letter of claim in writing **before** issuing proceedings. This is done by sending a letter of claim in writing **before** issuing proceedings.

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- *Letter of Claim for Rent*
- *Letter of Claim for Rent*

*Letter of Claim for Rent* (PROP.RES.23); or  
*Letter of Claim for Rent* (PROP.RES.26).

These Letter of Claim templates were introduced by the Pre-Action Protocol for Debt Claims which took effect in October 2017. It applies to debt claims against individuals, including residential tenants.

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The letters give detailed information and give the tenant 30 days to reply. The letters warn the tenant that legal proceedings will be initiated if they fail to reply within the given time.

This step – of trying to settle the claim by using court action – is important. The landlord should make attempts to settle a claim before taking legal action.

If, after following the steps, the landlord still wishes to bring legal proceedings against the tenant, the landlord should give the tenant 14 days' notice of their intention to start court proceedings.

- Letter - 14 Days Notice of Intention to Start Proceedings to Recover Rent Arrears from Residential Tenants (PROP.RES.XX); or
- Letter - 14 Days Notice of Intention to Start Proceedings to Recover Rent Arrears from Residential Tenants (PROP.RES.XX).

#### 4. **Court Proceedings**

If the landlord wishes to start court proceedings against the tenant on the ground of rent arrears, the landlord should refer to the guidance notes and template documents in our Proper Use of the "Standard Procedure" (part of the Debt Recovery group of documents).

If the landlord wishes to start court proceedings against the tenant to recover possession of the property, the landlord should refer to the guidance notes and template documents in our Proper Use of the "Standard Procedure" (part of the Debt Recovery group of documents).

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