

LEGAL EAGLE



WITH BETHANY SYMONDS



Worried about benefit sanctions?

As a housing solicitor, I often hear clients say they have fallen in to rent arrears because their benefits have been stopped.

Sanctions are when the Job Centre puts an immediate stop on your benefits, which often happens when the claimant fails to turn up for interviews or meetings with the Job Centre.

Sadly, this seems to be happening frequently and means that many people are left without any benefits at all for several weeks.

The charity Crisis have conducted a study into the effect of benefit sanctions and have reported that benefits sanctions are forcing people to go hungry and sleep rough. Shockingly, their figures

show that four out of 10 people subject to benefits sanctions are being forced to sleep rough.

Crisis are proposing that Job Centres need to assess each person's individual situation to make sure that benefits sanctions won't result in homelessness.

In my opinion, times are hard enough and benefits sanctions should not be imposed on anybody who is struggling with housing.

Every day I see people who are struggling to cope, and an increasing amount of people feel they have to choose between buying food and paying rent.

Benefits sanctions are simply putting additional pressure on people and



– in my experience – I feel that more people than ever are facing housing worries because of benefits problems.

If you're worried about homelessness, all is not lost. Generally speaking, landlords need a court order before they can ask you to leave the property.

For those in social housing, the court usually has to consider whether it is rea-

sonable to make someone homeless.

If you are experiencing benefits problems or sanctions, and you are trying your best to fix things, you will have a good argument for saying it would be unreasonable for you to be made homeless.

Your landlord may even agree with you and negotiate a settlement or payment plan.

If not, your solicitor can

represent you and argue this on your behalf.

It's always worth having professional advice. Social landlords will always have sound legal advice, so it's worthwhile getting the same so that you are on a level playing field.

It can be tougher with private landlords as tenants have less protection, and it is very straightforward for your landlord to get a court order if you are more than 8 weeks' in arrears.

That said, your landlord must still give you notice to move out in the proper format.

The rules vary depending on which type of tenancy you have, but those in receipt of benefits or a low income will usually be eligible for free

legal aid. This means that a solicitor can let you know whether your landlord has followed the property procedures, and can deal with your landlord on your behalf.

At best this court keep you in your home, and at worst your solicitor can clarify the situation for you and tell you where you stand.

As always, if you're having housing issues my advice is to get advice without delay.

Bethany Symonds is a trainee solicitor working in David Gray Solicitors LLP Housing Team.

Call now on 0191 243 8147 if you would like an appointment.

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