

GENERIC DEBTORS' PROCESS

(NON-RESIDENTIAL PREMISES)

1. Invoice sent advising amount of rental and due date for payment – approx 10th of month in month of Quarter Day (due date)
2. A statement is sent to each tenant at end of every month

30 DAYS AFTER DUE DATE (DUE DATES MAINLY QUARTER DAYS)

3. If full/part payment not received within 30 days of due date, Reminder Letter 1 to be sent (signed by the Financial Administrator).

The Financial Administrator advises the Assistant to the Town Clerk (ATTC) that the account is now in arrears, that a letter has been sent, and daily monitoring by the ATTC now commences.

NOTE:- this section is without prejudice to the facility for the Town Clerk to exercise discretion:-

- a) in the case of those tenants with an otherwise good payment history, to defer the sending of the stage 1 letter to the end of the quarter in which the due date arises;
- b) in the case of those tenants with an otherwise poor payment history¹ to commence proceedings for forfeiture and non-payment of rent (subject to the terms of the lease), to 21 days from the due date without the requirement to follow the subsequent stages of this process.

21 DAYS LATER i.e. 51 DAYS AFTER DUE DATE

4. If no payment or contact made within the following 21 days, Reminder Letter 2 letter to be sent (signed by ATTC).

Included in the letter is an invitation to attend the office for a face to face meeting to discuss the situation, and consider the

¹ (which shall be classified as having been through the 3 stage process at least once in the past 2 years or the two stage process at least once in the past 3 years).

implementation of a Repayment Plan to assist the tenant in bringing the account back on track.

If the tenant agrees to meet with the ATTC, a discussion will take place to draw up a realistic Repayment Plan which will satisfy both parties. The ATTC then seeks agreement from the Town Clerk on the proposed Plan, before putting it in writing to the tenant requesting their written agreement to the conditions contained therein.

Once the Plan is in place the ATTC monitors the account on a daily basis, ensuring that the agreed Plan is adhered to. This monitoring will continue until the debt is repaid.

If the tenant starts to deviate from the agreement then further contact/meetings will take place between the tenant and ATTC, with the Town Clerk attending where necessary. If necessary the Repayment Plan can be adjusted during its term, but only with the agreement of the ATTC (and Town Clerk as necessary).

14 DAYS LATER i.e. 65 DAYS AFTER DUE DATE

5. If no payment or contact made within the following 14 days, Final Notice Reminder Letter to be sent (signed by the Town Clerk) advising that if full payment not received within 7 days legal action will be instigated to recover due debt, plus costs.

INTERPRETATION

6. The above process is without prejudice to the Council, at its absolute discretion, to pursue such other means of redress for the non-payment of rent as may include, but are not limited to, peaceable re-entry, action for commercial rent arrears recovery, issuing a money/possession claim against the tenant, draw down rent from a rent deposit or pursue a guarantor and the service of a statutory demand.