

ASYMMETRIC ENFORCEMENT

Rent Arrears vs Council Tax

Two debts. Two completely different systems.

The Renters' Rights Act re-shapes when and how landlords can recover unpaid rent. Council tax enforcement is unchanged — and remains one of the harshest debt regimes in the UK. Here's how the two now compare.

LANDLORD — RENT ARREARS

~6–10 months

From first missed payment to actual eviction, going through the county court. Up to ~12 months in stressed courts.

COUNCIL — COUNCIL TAX

~3–6 weeks

From first missed payment to bailiff action, via a magistrates' liability order. No eviction needed to recover money.

TIMELINE · WEEKS VS MONTHS

Rent arrears under the Renters' Rights Act

Total: ~6–10+ months



Council tax non-payment

Total: ~3–6 weeks



ENFORCEMENT POWERS · WHAT EACH PARTY CAN ACTUALLY DO

Landlord

PRIVATE CIVIL CREDITOR

- ✓ **Court possession order** — only after Section 8 notice, court hearing, evidence of ground.
- ✓ **Bailiffs** — only after a possession order is granted and enforced.
- ✗ **Wage deductions** — no direct power to seize income.
- ✗ **Benefit deductions** — no direct access to DWP payments.
- ✗ **Charging orders / forced sale** — not available for the rent arrears claim itself.
- ✗ **Bankruptcy** — not a routine remedy for missed rent.
- ✗ **Section 21 "no-fault"** — abolished. Every eviction needs a statutory ground.

Local Council

STATE-BACKED STATUTORY CREDITOR

- ✓ **Liability order** — magistrates routinely grant unless successfully challenged.
- ✓ **Bailiffs (enforcement agents)** — instructable shortly after liability order.
- ✓ **Direct wage deductions** — attachment of earnings without a further trial.
- ✓ **Benefit deductions** — recovered straight from DWP payments.
- ✓ **Charging orders** — secured against the property; potential forced sale.
- ✓ **Bankruptcy proceedings** — available as an escalation route.
- ✓ **Prison (rare)** — committal possible for wilful refusal to pay.

COURT PROCESS · BURDEN OF PROOF

County Court — full civil hearing

Landlord must serve a Section 8 notice, file a possession claim, attend a hearing, and prove the ground. Discretionary grounds (10, 11) let the judge adjourn, suspend, or refuse possession. Mandatory Ground 8 requires arrears of ≥3 months at notice and at the hearing.

~27 weeks

MEDIAN CLAIM-TO-REPOSSESSION (MOJ BENCHMARK)

Magistrates' Court — administrative liability order

Council issues reminders, then applies for a liability order. The hearing is procedural rather than contested — orders are typically granted unless the resident raises a valid statutory defence. Once granted, the council can enforce *without* further court process.

Days–weeks

LIABILITY ORDER TO ENFORCEMENT

THE ASYMMETRY IN ONE LINE

A tenant can realistically miss rent for 6–12 months before eviction — yet face bailiffs in under 6 weeks for unpaid council tax on the same property.