

Nodiadau i'r diffynnydd - hawliad adeilad preswyl ar rent

Mae'r hawlydd wedi gofyn i'r llys orchymyn i chi ildio meddiant yr adeilad a nodir yn y ffurflen hawlio. Dylech nodi na all neb eich troi allan o'r adeilad oni bai fod y llys yn dweud eu bod yn gallu gwneud hynny; ni fydd y llys yn gwneud penderfyniad cyn dyddiad y gwrandawriad. Mae'n bosibl y bydd yr hyn a wnewch chi'n effeithio ar benderfyniad y llys. Felly, fe ddylech chi gymryd camau ar unwaith. Mae'r nodiadau hyn yn esbonio'n fwy manwl beth allwch chi ei wneud.

Dylech:

- gael help a chynghor ar unwaith gan dwnai neu asiantaeth cynghori (edrychwch ar 'Cael help'drosodd);
- lenwi'r ffurflen amddiffyn sydd ynghlwm a'i dychwelyd i'r llys cyn pen 14 diwrnod ar ôl i chi dderbyn y ffurflen hawlio;
- ddod i'r gwrandawriad, hyd yn oed os ydych chi wedi cytuno gyda'ch landlord ynghylch ad-dalu unrhyw ôl-ddyledion.

Beth fydd yn digwydd yn y gwrandawriad?

Bydd barnwr yn penderfynu a ddylid gwneud gorchymyn meddiannu ai peidio. Wrth wneud y penderfyniad hwn, bydd y barnwr yn ystyried y wybodaeth a ddarparwyd gan yr hawlydd. Bydd y barnwr hefyd yn ystyried unrhyw wybodaeth a rowch chi, megis manylion am eich amgylchiadau personol ac ariannol, unrhyw gynnig a wnaethoch i dalu unrhyw ôl-ddyledion, ac unrhyw anghydfod sydd gennych ynghylch y swm sy'n ddyledus. Ond dim ond os ddarparwch chi'r wybodaeth y gall y barnwr ei hystyried. Llenwch y manylion hyn ar y ffurflen amddiffyn a dewch i'r gwrandawriad. Mae er eich lles chi i wneud y ddau beth hyn.

Pa fath o orchymynion y gall y barnwr eu gwneud?

Yn dibynnu ar y math o denantiaeth sydd gennych, gall y barnwr:

- benderfynu peidio â gwneud gorchymyn meddiannu;
- wneud gorchymyn ar gyfer meddiannu ond atal y gorchymyn. Mae hyn yn golygu na fydd rhaid i chi ildio'r meddiant ar yr amod eich bod yn gallu talu unrhyw ôl-ddyledion o fewn amser rhesymol (bydd y barnwr yn penderfynu faint) a thalu'r rhent hefyd;
- wneud gorchymyn meddiannu ar gyfer rhyw ddyddiad yn y dyfodol er mwyn rhoi amser i chi symud allan neu ddod o hyd i rywle arall i fyw; neu
- wneud gorchymyn eich bod yn ildio meddiant o fewn cyfnod byr iawn.

Notes for defendant - rented residential premises claim

The claimant has asked the court to make an order that you give up possession of the premises mentioned in the claim form. You should note that no-one can evict you from the premises unless the court says that they can; the court will not make a decision before the hearing date. What you do may affect the court's decision. You should therefore take action immediately. These notes explain in more detail what you can do.

You should:

- get help and advice immediately from a solicitor or advice agency (see 'Getting help' overleaf);
- fill in the attached defence form and return it to the court within 14 days of receiving the claim form;
- attend the hearing, even if you have agreed about repayment of any arrears with your landlord.

What will happen at the hearing?

A judge will decide whether or not to make an order for possession. In making this decision, the judge will take account of the information provided by the claimant. The judge will also take account of any information you provide, such as details of your personal and financial circumstances, any proposal you have made to pay off any arrears, and any dispute you have about the amount owing. But the judge can only take the information into account if you provide it. Fill in these details in the defence form and attend the hearing. It is in your best interests to do both.

What kind of orders can the judge make?

Depending on the type of your tenancy the judge may:

- decide not to make an order for possession;
- make an order for possession but suspend it. This means that you will not have to give up possession so long as you can pay off any arrears in a reasonable time (the judge will decide how long) and pay the rent as well;
- make a possession order for some future date to allow you time to move out or find somewhere else to live; or
- make an order that you give up possession a very short time ahead.

Os yw'r hawlydd yn hawlio israddio tenantiaeth neu orchymyn gohiriedig (gweler paragraff 11 manylion yr hawliad), gall y barnwr wneud gorchymyn israddio neu gohiriedig yn lle gorchymyn meddiannu. Mae israddio yn golygu y caiff eich tenantiaeth gyfredol ei disodli gan denantiaeth israddedig. Yn ystod cyfnod yr israddio (12 mis, fel arfer) byddwch yn colli nifer o'r hawliau sydd gennych ar hyn o bryd dan y denantiaeth. Os bydd y llys yn gwneud gorchymyn israddio, ni fydd hyn yn golygu bod rhaid i chi adael eich cartref, ond bydd yn ei gwneud hi'n haws i chi gael eich troi allan o'ch cartref yn y dyfodol.

Os yw'r llys yn gwneud gorchymyn gohiriedig, byddai'n golygu na allech chi ymarfer eich hawl i brynu'r eiddo yn ystod cyfnod y gohirio.

Cael help

Fe ddylech gael help a chyngor ar unwaith gan dwrnai neu asiantaeth cyngori. Mae hyn yn arbennig o bwysig pa un ai ydych chi'n cytuno â'r hawliad ai peidio gan na all y nodiadau hyn fod yn berthnasol i bob math o denantiaeth. Efallai eich bod chi'n gymwys i gael cymorth gan Gronfa'r Gwasanaeth Cyfreithiol Cymunedol (CGCC) i gyfarfod â rhan o'ch costau cyfreithiol neu'r cyfan ohonynt. Gofynnwch am y CGCC yn unrhyw un o swyddfeydd y llys sirol neu mewn unrhyw fan gwybodaeth neu gymorth sy'n dangos y logo hwn. Ni all staff y llys ond eich helpu chi i lenwi'r ffurflen amddiffyn a rhoi gwybod i chi am drefniadau'r llys. **Allan nhw ddim rhoi cyngor cyfreithiol i chi.**

Gwasanaeth
Cyfreithiol
Cymunedol



Community
Legal Service



Ateb yr hawliad

Er y dylech chi fel arfer lenwi'r ffurflen amddiffyn a'i dychwelyd i'r llys cyn pen 14 diwrnod, bydd y llys yn derbyn eich amddiffyniad unrhyw bryd cyn y gwrandawriad, neu hyd yn oed yn y gwrandawriad ei hun. Dylech gofio, fodd bynnag, os byddwch chi'n dychwelyd y ffurflen ar ôl i'r cyfnod 14 diwrnod ddod i ben, y gall y llys orchymyn i chi dalu unrhyw gostau sydd yn codi oherwydd yr oedi.

Talu unrhyw ôl-ddyledion

Ni all y llys dderbyn taliadau. Os ydych chi am dalu'r ôl-ddyledion i gyd neu ran ohonynt, anfonwch nhw at yr hawlydd i'r cyfeiriad talu a ddangosir ar y ffurflen hawlio, gan ddyfynnu cyfeirnod yr hawlydd, os nodir un. Gwnewch yn siwr eich bod yn cael derbynneb ar gyfer pob taliad a wnewch chi. Efallai y bydd angen prawf os oes unrhyw anghytundeb. Gwnewch yn siwr eich bod yn cynnwys ar eich ffurflen amddiffyn fanylion unrhyw daliadau a wnaethoch ers codi'r hawliad, gan ddweud faint a dalwyd, i bwy a pha bryd.

If the claimant is claiming demotion of tenancy or a suspension order (see paragraph 11 of the particulars of claim), the judge can make a demotion or a suspension order instead of a possession order. A demotion order means that your current tenancy will be replaced with a demoted tenancy. During the period of demotion (usually 12 months) you will lose a number of rights you currently enjoy under the tenancy. If the court makes a demotion order, this will not mean that you have to leave your home but it will be much easier to evict you in the future.

If the court makes a suspension order it would mean that you could not exercise your right to buy the premises during the period of suspension.

Getting help

You should get help and advice immediately from a solicitor or an advice agency. This is particularly important whether or not you disagree with the claim since these notes cannot cover every different type of tenancy. You may qualify for assistance from the Community Legal Service Fund (CLSF) to meet some or all of your legal costs. Ask about the CLSF at any county court office or any information or help point which displays this logo. Court staff can only help you complete the defence form and tell you about court procedures.

They cannot give legal advice.

Replying to the claim

Although you should normally fill in the defence form and return it to the court within 14 days, the court will accept your defence at any time before, or even at, the hearing. You should note, however, that if you do return the form after the 14-day period, the court may order you to pay any costs caused by the delay.

Paying any arrears

The court cannot accept payments. If you want to pay all or part of any arrears, send them to the claimant at the address for payment shown on the claim form, quoting the claimant's reference number, if one is given. Make sure you have a receipt for all payments made. Proof may be required if there is any disagreement. Make sure you include on your defence form details of any payments you have made since the claim was issued, saying how much was paid, to whom and when.

Gorfodi gorchymyn meddiannu

Os bydd y llys yn gwneud gorchymyn meddiannu, gall yr hawlydd ofyn i feili neu swyddog gorfodi eich troi chi allan:

- os nad ydych chi'n ildio meddiant ar y dyddiad a nodir yn y gorchymyn meddiannu; neu
- os nad ydych chi'n talu yn unol â'r gorchymyn meddiannu gohiriedig.

Os bydd eich amgylchiadau'n newid ar ôl gwneud gorchymyn meddiannu, fe allwch chi wneud cais i'r llys am amrywio'r gorchymyn. Defnyddiwch ffurflen gais N244 sydd ar gael gan swyddfa unrhyw llys. Efallai y bydd rhaid i chi dalu ffi i wneud y cais.

Cofrestru dyfarniadau

Os bydd llys sirol yn gwneud dyfarniad ariannol (e.e. am ôl-ddyledion rhent a chostau) bydd eich enw a'ch cyfeiriad yn cael ei gofnodi yn y Gofrestr Dyfarniadau, Gorchmynion a Dirwyon os bydd rhaid i'r hawlydd gymryd camau i orfodi'r dyfarniad. Fe all hyn ei gwneud hi'n anodd i chi gael credyd.

Enforcement of a possession order

Where the court makes a possession order, the claimant can ask a bailiff or enforcement officer to evict you if:

- you do not give up possession on the date given in the order for possession; or
- you do not make payments in accordance with the suspended order for possession.

If your circumstances change after a possession order is made, you may apply to the court for the order to be varied. Use application form N244 which is available from any court office. You may have to pay a fee to make the application.

Registration of judgments

If a county court makes a money judgment (e.g. for rent arrears and costs) your name and address will be entered in the Register of Judgments, Orders and Fines if the claimant has to take steps to enforce the judgment. This may make it difficult for you to obtain credit.