
TENANCY CHANGES POLICY

Title:	Tenancy Changes Policy
Purpose of Procedure:	To clarify procedures for changes within a tenancy
Section:	Housing Management
Date:	December 2023
Review Date:	December 2026
Charter Standards:	<p>6: Neighbourhood and Community</p> <p>Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes</p> <p>7,8,9: Housing Options</p> <p>Tenants and people on housing lists can review their housing options.</p> <p>11: Tenancy Sustainment</p> <p>Tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations.</p>

CONTENTS

	Page
1.0 REQUESTS FOR PERMISSION TO RESIDE	4-5
2.0 JOINT TENANCIES	5-6
3.0 ASSIGNATION	6-8
4.0 SUCCESSION	8-12
5.0 SUB-LETTING	12-13
• APPENDICES	14

Introduction & Policy Objectives

The purpose of this policy is to explain Blairtummock Housing Association's policy in relation to all tenancy changes. In all tenancy matters, we have a number of obligations including compliance with legislation, contractual terms within the tenancy agreement and best practice guidelines. We aim to provide uniformity in decision making in respect of tenancy changes and balance the rights of tenants with the needs of housing list applicants.

Definitions of Types of Tenancy Changes

- Succession
- Assignation
- Joint Tenancy
- Permission to Reside/lodgers
- Sub-letting

Legal Provisions & Compliance

The Tenancy Changes Policy meets with legislative and good practice requirements including:

- Housing (Scotland) Act 2014
- Housing (Scotland) Act 2001
- Housing (Scotland) Act 1988
- Matrimonial Homes (Family Protection) (Scotland) Act 1981

Scottish Social Housing Charter

In terms of the Scottish Social Housing Charter, the Scottish Housing Regulator has identified a number of key indicators relevant to tenancy changes by which it will measure landlord performance, including the following:

- Outcome 6 – Estate Management – tenant and other customers live in well maintained neighbourhoods where they feel safe.
- Outcome 7,8 & 9 – People at risk of losing their homes get advice.

1.0 Requests for Permission to Reside

- 1.1 Tenants may make requests for permission for others to reside with them in their home. This permission will not be unreasonably refused and will relate to members of the tenant's family and other non-family members. Requests must be made in writing using the Form at Appendix 1.2 and mandate completed Appendix 1.3.
 - 1.1.1 Permission will not be granted where overcrowding would occur except where the request is to move a spouse or civil partner with children into the household.
 - 1.1.2 Documentary evidence will be required to prove residency, this could be an original letter confirming receipt of benefit, driving license, utility bill, bank statement or council tax bill. At least 2 items should be provided. The application cannot be considered until the above information is provided.
 - 1.1.3 Where a tenant moves a family member or a lodger into their household and they are not granted permission to reside, they will not be considered for rehousing under the Association's Allocations Policy, although the family member or lodger may make their own application for housing from that address.
 - 1.1.4 The following grounds for refusal relate to the incoming applicant and mirror the responsibilities that the Association places on applicants within our Allocations process:
 - Anyone who has been violent or has used abusive or threatening behaviour to an Association staff member.
 - Anyone who has been evicted by a previous landlord, or is the subject of an Anti- Social Behaviour Order. These circumstances will be taken into account when assessing the Association's response to any application, though they will not necessarily prevent the applicant from being given permission to reside by the Association. The applicant will however, require to show the Association's staff justification for these actions or that despite the problems he/she has experienced in the past, he/she will work with the Association and other appropriate agencies in sustaining a tenancy.
 - Anyone or their spouse, partner or family members included in the application who have had previous convictions or have pending convictions for any offence in connection with the use or supply of

any controlled drugs or has been convicted of using previous accommodation for any immoral or illegal purposes.

- Anyone who has more than one month's rent arrears/former rent arrears, or who has not maintained an arrangement to clear former tenant rent arrears for a continuous period of 3 months.
- Anyone who has given false or misleading information with relevance to the outcome of their application or withheld relevant information in order to obtain permission to reside will have their request suspended for a period of 6 months from the date of the disclosure.

1.2 **Response Timescale**

The Association will respond in writing within 28 days to requests for permission to reside, using Appendices 1.4 and 1.5, otherwise permission shall be deemed to have been granted. Copies of all paperwork will be scanned into the tenants file on SDM.

2.0 **Joint Tenancies**

- 2.1 Joint tenancies will not be unreasonably refused where the parties are at least 16 years of age.
- 2.2 Any non-couple household (see Allocations Policy for definition) with more than one adult will be requested to nominate the "lead" tenant when they are signing for a new home, otherwise the Association will treat the senior member as the lead tenant. This tenant will then have discretion regarding the awarding of a joint tenancy to another household member.
- 2.3 Any existing tenant who requests that another person be granted a joint tenancy must do so in writing using Appendix 2.1. In all cases an official twelve-month residency period from when we receive written notification of them moving into the property is required.

Documentary evidence will be required at the end of this period to prove that the property has been the proposed joint tenant's only and principal home. These requirements apply to all applications for joint tenancies including those involving spouses, civil partners or co-habiting partners.

2.4 Applications for joint tenancies will be refused where:

- Permission to reside is required in respect of the proposed joint tenant and permission would be refused.
- The Association has taken legal action in respect of the tenancy on conduct grounds (legal action being Notice of Proceedings stage, onwards; conduct grounds being any breach of the tenancy under Schedule 2, Part 1, Grounds 1-7 of the Housing (Scotland) Act 2001).

2.5 Applications for joint tenancies may be refused where the proposed joint tenant has been guilty of previous anti-social behaviour.

2.6 The Association will respond in writing within 28 days for requests for permission for a joint tenancy, using Appendices 2.2 & 2.3, otherwise permission shall be deemed to have been granted. A statement of joint tenancy (Appendix 2.4) should be completed and attached to original tenancy agreement. Copies of all paperwork will be scanned into the tenants file on SDM.

3.0 Assignment

3.1 The house must have been the tenants only or principle home during the 12 months immediately prior to when applying for written permission to assign the tenancy to someone else.

An application for Assignment should be completed by the tenant (Appendix 3.1)

Assignment will not be unreasonably refused where the person to whom the tenancy is being assigned (the “assignee”) has been officially resident in the property for at least 12 months. The 12-month period starts when we are notified in writing that the person is living in the property as their only or principle home.

3.2 Assignment will be refused where the Association has taken legal action against the tenant on conduct grounds (as per Section 2.4).

3.3 Assignment will also be refused where the current tenant owes any rent or rechargeable repair arrears to the Association.

3.4 Assignment will be refused where it appears that the tenant is to receive payment for the assignment.

3.5 Assignment may be refused for the following reasons:

- Overcrowding would occur.
- An Order for Recovery of Possession has been made against the tenant.
- A Notice of Proceedings has been served on the tenant on any of the 'conduct grounds' set out in paragraph 1-7 of Schedule 2 of the Housing (Scotland) Act 2001.
- The tenant has any debt outstanding to BHA in terms of their tenancy, either arrears of rent, rechargeable repairs or any other debt related to their occupancy of the property.
- BHA intends to carry out substantial work on the property.
- There are anti-social behaviour issues concerning the proposed assignee.
- Where we would not give the person you want to pass the tenancy to priority under our allocations policy; or
- Where, in our opinion, the assignment would result in your home being under occupied.

This list is not exhaustive and each case must be assessed individually on its merits.

For example, other possible reasons where a request to assign may be refused are:

- Where another person's occupancy rights are likely to be adversely affected
- Where the proposed assignee is below 16
- Where the proposed assignee is unable to understand terms of the transaction, for example, because of a serious learning disability. In such cases, however, the Housing Officer should consult her/his line manager to evaluate possible options, for instance, developing some form of supported accommodation initiative
- Where the existing tenant is unable to clear the arrears and make good rechargeable repairs.
- Where the assignee has been convicted of using a previous tenancy for illegal or immoral purposes or has an Anti-Social Behaviour Order (ASBO) out against them within the past 3 years
- Where there is substantial damage or disrepair to the property caused by the tenant, a member of the household or a visitor to the property
- The prospective assignee has deliberately omitted, distorted or given false information on their application
- Where the assignee has previously been evicted from the Association's property

- 3.6 A house inspection must be carried out by Maintenance and the Housing Officer before any assignation is agreed. The assignee is not responsible for any previous damage to the property. Therefore, an inspection prior to agreeing to the Assignation would mean that it would be reasonable to refuse the request if there was damage to be paid for.
- 3.7 The Association will respond in writing within 28 days to written requests for permission to assign a tenancy, otherwise permission shall be deemed to have been granted.
- 3.8 Where an application has been approved, a Minute of Assignation (Appendix 3.4) should be completed and attached to the original tenancy agreement. A new tenancy agreement should not be completed and a new tenancy is not set up on SDM, but a diary entry should state that the tenancy was assigned and on which date.

4.0 Succession

- 4.1 Succession to a tenancy following the death of a tenant shall be in accordance with clause 7 of the Association's Scottish Secure Tenancy Agreement.
- 4.2 To succeed to a tenancy, any person who is not the lawful spouse or civil partner must have lived in the property as their only or principle home for at least 12 months immediately prior to the tenant's death. The 12month period only starts when we receive written notification from you that the other person is living in the property as their only or principle home. This is very important if someone has given up their home to care for a tenant.
- 4.3 Where a house has been designed or substantially adapted for occupation by a person whose particular needs require such accommodation, for example, a house designed for wheelchair users, a person will only qualify to succeed as follows:

The Court can be asked to end a tenancy of an adapted property that is not being occupied by anyone who needs the adaptations. This only applies if the Association requires the property for someone who does need the adaptations.

Where the person does not require this accommodation – but would otherwise have qualified to succeed – the Association must make other suitable accommodation available to the person. Suitable accommodation is defined by the Act (**Housing (Scotland) Act 2001, Schedule 1, part 2**).

4.4 **Spouse, Civil Partner or Joint Tenant**

No qualifying period, must be only or principle home at date of tenant's death. Rent is payable by the successor from the date of succession. In succession cases where the sole tenant dies, the debt does not pass onto the new tenant. We should therefore write off the debt as "irrecoverable" and credit the rent account. **The successor should be asked who the Executor of the deceased's estate is and a claim for the rent arrears due should be lodged with the estate.** In the case of a joint tenancy becoming a sole tenancy, the sole tenant remains responsible for the debt and all tenancy breaches. We should also record on the rent diary the date of succession.

4.5 **Unmarried partners**

- the house must have been the unmarried partner's only or main home for 12 months before they qualify to succeed to the tenancy and
- the 12-month period cannot begin unless we have been told in writing that the person is living in the property as their only or main home.

4.6 **Family members**

- the house must have been the family member's only or main home for 12 months before they qualify to succeed to the tenancy and
- the 12-month period cannot begin unless we have been told in writing that the family member is living in the property as their only or main home.

4.7 **Carers**

- the house must have been the carer's only or main home for 12 months before they qualify to succeed to the tenancy
- the 12-month period cannot begin unless we have been told in writing that the carer is living in the property as their only or main home.

4.8 A request for succession should be completed (Appendix 4.1) and a copy of the tenant's death certificate provided.

4.9 Where a request has been approved, a Deed of Succession should be completed (Appendix 4.10) and attached to the original tenancy agreement. A new tenancy should not be set up on SDM, a diary entry should state that the tenancy was succeeded and on which date.

4.10 **Notification of Right to Succeed**

Where any of the qualifying persons under the first priority category decline the tenancy, the Association must investigate within 7 working days whether there are any other persons who may qualify to succeed. The Association must use its “best endeavours” to ascertain whether other qualifying persons exist (see below for clarification of best endeavours). Prior to doing so, however, staff should first check to ensure that there are no qualifying persons under the first category, for example, a spouse fleeing domestic violence.

Housing Officers should next check whether there are any family members who qualify to succeed. Where such persons are found, the Association must serve notice, in writing, to each person (Appendix 4.4).

Should members of the family in turn decline the tenancy, the Association must then investigate whether there are any carers who may be entitled to the tenancy. Again, the Association must use its best endeavours and written notice must be served on any carer who may be entitled to succeed (Appendix 4.5).

Best endeavours to establish if other Qualifying Occupiers exist in ascertaining whether other persons may be entitled to succeed, the Housing Officer should examine/contact the following sources:

- Assessing tenancy records
- Contacting other agencies or departments as appropriate
- Contacting other relatives not resident with the tenant
- Contacting other sources as required, for example, educational bodies

4.11 **Joint or Sole Tenancy**

Where there is more than one qualifying person entitled to succeed to the tenancy, they are entitled to decide whether or not the tenancy should be a sole tenancy or held jointly. For example, where there are two members of the family aged 16 or over occupying the house as their principal home, then it is open to them to decide who should succeed, whether as a sole or joint tenancy.

In order to facilitate this decision, though, the Housing Officer should offer advice regarding the advantages and disadvantages of holding a sole or joint tenancy in their particular case. The Association will decide who should succeed where the qualifying occupiers cannot decide within 28 days of the tenant’s death.

4.12 **Where Qualifying Occupier Does Not Respond to Letter Regarding Succession**

Where Appendix 4.4. & 4.5 letters have been sent to a qualified person but there has been no response within 28 days of the tenant's death, the Housing Officer should follow this up by sending Appendix 4.6 advising that the locks will be changed 7 days from the date on the letter. The tenancy is then terminated.

4.13 **Declining a Tenancy**

A qualified person may decline the tenancy by giving the Association notice, in writing, within **28 days** of the tenant's death (Appendix 4.7). In cases where the landlord has served notice on persons who may be entitled to succeed, the 28-day period begins from the date the notice was given.

A qualified person who declines the tenancy must vacate the house within 3 months of giving notice to the landlord. As the notice is to be treated as having effect from the tenant's death, this means in effect that the person must leave the house within 3 months of the tenant's death.

The qualifying successor who declines the tenancy is liable to pay rent for the period spent in occupation after the tenant's death (Appendix 4.8).

4.14 **Principal Home**

The issue concerning whether or not a house is a person's principal home is a question of fact and each case requires to be assessed on its merits. Types of factors to take into account are as follows:

- Information about another tenancy. For example, as provided by other landlords
- Information from official sources such as employer or medical records Information from other agencies/departments such as Social Work or Social Security
- Information from neighbours, relatives, etc.

It is emphasised that disclosure of information should conform with the requirements of the **Data Protection Act 1998 & General Data Protection Regulations 2018**.

4.15 Refusals of Claims and Disputes

The Housing Officer should send the refusal letter when it appears that the person qualifying to succeed does not, in fact, so qualify (Appendix 4.9).

The Association has established an internal appeals system to enable applicants aggrieved by a decision to lodge an appeal which would be reviewed by the Association's Housing Services Committee.

Alternatively, the landlord or tenant may raise an action in the court, for example, seeking an order of declaratory in the sheriff court to declare the rights of both parties (for discussion and possible omission).

4.16 Inspection of the House

In the case of a succession where a joint tenancy becomes a sole tenancy, the sole tenant remains responsible for any existing damage to the property. Where the successor is not a joint tenant they are not held responsible any damage caused by the previous tenant. The Housing Officer and Maintenance Officer should therefore inspect the property prior to the date of succession.

5.0 Sub-Letting

5.1 You must have been the tenant of the property throughout the 12 months immediately before you apply for written permission to sub-let your home.

5.1.1 Sub-letting will not be unreasonably refused unless:

- The Association has taken legal action against the tenant on conduct grounds (as per Section 3.5).
- Overcrowding would occur.
- It appears that the tenant is to receive a payment for sub-letting which is other than a reasonable rent, i.e. the same rent as the Association is currently charging the tenant.
- There are anti-social behaviour issues concerning the proposed sub-tenant

5.1.2 It will be expected that the Sub-Tenancy Agreement will be drafted by the Association's Solicitors.

5.1.3 The tenant will be responsible for the Sub-Tenant's conduct and for the payment of rent.

5.1.4 Where the original tenancy has been terminated, the sub-tenancy will continue until its expiry, as per Section 28(2) of the Housing (Scotland) Act, 1988. All tenancy obligations, including payment of rent, will revert directly to the sub-tenant for the period remaining.

5.2 Procedures

5.2.1 Request to Sub-Let Received

- The request must be in writing.
- The Housing Officer will then send the Association tenant(s) a sub-letting application letter (Appendix 5.1) and sub-letting application (1) form (Appendix 5.2), they will also be sent the following for completion by the prospective sub-tenant (s); a sub-letting application (2) form (Appendix 5.2) and mandate for tenancy check form (Appendix 5.3).

5.2.2 Receipt of Application Forms

- Upon receipt of forms from both parties, the Housing Officer will undertake a tenancy check on the prospective sub-tenant(s), if applicable.
- Where the Housing Officer intends to permit sub-letting of the property, a sub-letting application approved letter (Appendix 5.4) will be sent to the Association tenant(s), informing them of the procedures to be followed.
- Where sub-letting is being refused, the Housing Officer will send a sub-letting application refused letter (Appendix 5.5) to the Association tenant(s).

5.2.3 Completion of Sub-Tenancy Documentation

Where sub-letting is going ahead, the following procedure will be followed:

- Explain the contents of the Association Scottish Secure Tenancy Agreement to the prospective Sub-Tenant(s), with particular regard to, further sub-letting, mutual exchanges, etc, and issue Form AT5 to the Sub-Tenant(s), with a copy to the Association Tenant(s).
- Explain the content of the Form AT5 to both the Association Tenant(s) and Sub-Tenant(s) and issue Form AT5 to the Sub-Tenant(s), with a copy to the Association Tenants(s).
- Obtain signature of **three** Short Scottish Secure Sub-Tenancy Agreements including Schedule I, in respect of the Tenant(s), Sub-Tenant(s) and the Association, and issue accordingly.

APPENDICES

APPENDIX 1.1

Permission to Reside Letter

Date:

Dear

Permission to Reside Application

I refer to your recent request regarding the above and now enclose a Permission to Reside Application for completion by yourself and your proposed lodger(s), who should also complete and sign the enclosed Mandate for Tenancy Reference form.

Please note that these forms should be returned to the Association at least 28 days prior to when you wish the permission to reside to commence, for administrative reasons.

If your application has been successful, I will write to you and advise the procedures to be followed. I will also inform you if your application has been unsuccessful. In the meantime, I am enclosing the Association's general policy in relation to permission to reside.

Should you have any queries regarding the above, then please do not hesitate to contact me.

Yours sincerely

Housing Officer

Encs

APPENDIX 1.2

Permission to Reside Form

Application for Permission to Reside

The issue of this form does not mean that permission to reside will be granted

Tenant Name: _____

Address: _____

Telephone: _____

Current Household Details

Enter details of everyone who normally lives at your address, starting with yourself. Please include any unborn children.

Name	Date of Birth	Relationship to Tenant
	/ /	Tenant
	/ /	
	/ /	
	/ /	
	/ /	
	/ /	

Proposed Additions to Household

Enter details of everyone who you are requesting permission to reside for. Please include any unborn children.

Name	Date of Birth	Relationship to Tenant
	/ /	
	/ /	
	/ /	
	/ /	

Previous Addresses

Enter details of previous addresses covering the last 5 years, for those seeking permission to reside.

Address	Landlord	From	To

Offences *(to be completed by person seeking permission to reside)*

Have you ever been convicted of any criminal offence which cannot be regarded as spent as defined within the Rehabilitation of Offenders Act 1974? (N.B. This will not affect your application)

Yes/No/Don't Know

Are you required to register with the Police under the Sexual Offences Act 2003?

Yes/No/Don't Know

Additional Information

Reason for requesting permission to reside _____

If you are applying for permission to reside on medical grounds, please provide supporting documentation, e.g. Social Work/Doctor/Health Visitor report.

I have read the Association's Tenancy Changes Policy and hereby declare that the above information is a true record of my/our present circumstances.

Signed: _____
(BHA Tenant)

Date: _____

Signed: _____
(Proposed Household Member)

Date: _____

FOR OFFICIAL USE ONLY

Granting of Permission

Size of Property	apartment	
Overcrowding if Granted	Yes	No
If Spouse/Partner/Medical Support, is overcrowding unreasonable	Yes	No
Approved	Yes	No
Reason for Decision		
If Approved, SDM Diary Updated with Review Date YES NO		

Signed: _____
(Housing Officer)

Date: _____

Signed: _____
(Senior Housing Officer)

Date: _____

Notes

APPENDIX 1.3

Permission to Reside Mandate



BLAIRTUMMOCK HOUSING ASSOCIATION LTD

PERMISSION TO RESIDE APPLICATION

MANDATE FOR TENANCY CHECK

To be completed by person(s) wishing permission to reside with a Blairtummock Association Tenant.

I/We, _____, currently
residing at _____, hereby
Blairtummock Housing Association Ltd, of 45 Boyndie Street G34 9JL to
undertake a tenancy check with any current or previous landlord.

Signed: _____

Date: _____

Signed: _____

Date: _____

APPENDIX 1.4

Permission to Reside - Approved

Date:

Dear

Permission to Reside Application - Approved

I am writing to inform you that permission to reside for those listed below, has been granted.

Name	Date of Birth	Relationship to Tenant
	/ /	
	/ /	
	/ /	
	/ /	

You should complete the enclosed Household Composition Form and return it to this office immediately.

You must ensure you contact Glasgow City Council, Financial Services, to advise them of the change in your household as it may affect your Council Tax or Housing Benefit claim.

If you receive Universal Credit, you must also advise the DWP of this change via your online journal.

Should you have any queries, then please do not hesitate to contact me.

Yours sincerely

Housing Officer

APPENDIX 1.5

Permission to Reside - Refused

Date:

Dear

Permission to Reside Application - Refused

I regret to inform you that permission to reside for those listed below has been denied, for reasons as follows:

Name	Date of Birth	Relationship to Tenant
	/ /	
	/ /	
	/ /	
	/ /	

- overcrowding would occur

- the Association has taken legal action in respect of the tenancy on conduct grounds (legal action being Notice of Proceedings stage, onwards; conduct grounds being any breach of the tenancy under Schedule 2, Part 1, Grounds 1-7 of the Housing (Scotland) Act 2001).

- there are anti-social behaviour issues concerning the proposed lodger(s).

Should you have any queries, then please do not hesitate to contact me. Alternatively, should you wish to appeal against the decision, then please write to the Association's Housing Services Manager, John King, in the first instance.

Yours sincerely

Housing Officer

APPENDIX 2.1

Joint Tenancy Application Form

Joint Tenancy Application

To be completed by both the current & proposed Joint Tenant. The issue of this form does not imply that Joint Tenancy will be granted. Please answer all questions. The proposed joint applicant must provide proof of identity.

1. Address of Tenancy: _____
2. Full Name of Present Tenant(s): _____
3. Name of Applicant(s): _____
(Relationship to current tenant)
4. Date of Birth: _____
5. Date Joint Applicant joined household: _____
6. Full Household Composition (if joint tenancy granted)

Name	Date of Birth	National Insurance Number
(tenant)		

7. Has anyone had an order for Recovery of Possession granted against them for Anti-Social Behaviour in the last three years?
Yes **No**

If **Yes**, please give details of the landlord who obtained the order

8. Is anyone subject to a current Anti-Social Behaviour Order? Yes No

If **Yes**, please give details of the order

9. Joint Applicant(s). List all previous addresses over the past 5 years

Address	Landlord	Tenant/lodger/owner	Date of Leaving	Reason for Leaving

10. Have you used another name in the last 5 years? Yes No

If Yes, please give details

We hereby certify that the particulars in this application are true. We understand that any false or misleading information or withholding of any relevant information now and at any time may result in the tenancy granted to us being terminated.

I wish to give up the sole tenancy of the above house in favour of a Joint Tenancy.

Signed _____ tenant Date _____

I wish to make application for Joint Tenancy

Signed _____ applicant Date _____

Where there is a current spouse or partner of the original tenant (who is not currently a joint tenant), they must agree to the joint tenancy

Signed _____ spouse/partner Date _____

APPENDIX 2.2

Joint Tenancy Application Approved

Dear

Request for Joint Tenancy

I refer to your recent application for a Joint Tenancy with _____ and I am pleased to inform you that your application has been approved.

You will both need to sign a tenancy agreement and I would be grateful if you could both attend this office on in order to do this. Once you have signed this we can then update our records accordingly.

Thank you for your co-operation with this matter.

Yours sincerely

Housing Officer

APPENDIX 2.3

Joint Tenancy Application Refused

Dear

Request for Joint Tenancy

I refer to your recent application for a Joint Tenancy with _____ and I regret to inform you that your application has been refused for the following reasons:

-

Should you have any queries, then please do not hesitate to contact me. Alternatively, should you wish to appeal against the decision, then please write to the Association's Housing Services Manager, John King, in the first instance.

Yours sincerely

Housing Officer

APPENDIX 2.4

Statement of Joint Tenancy

STATEMENT OF JOINT TENANCY

We _____ (tenant)

&

_____ (joint tenant)

<ADDRESS>

Agree that as from _____ (date), the foregoing tenancy has become a joint tenancy between us, and we agree to be bound by the terms and conditions thereof.

SIGNED FOR LANDLORD.....
 NAME
 WITNESS NAME.....
 WITNESS SIGNATURE
 WITNESS ADDRESS.....
 DATE.....

SIGNED BY TENANT.....
 WITNESS NAME.....
 WITNESS SIGNATURE
 WITNESS ADDRESS.....
 DATE.....

SIGNED BY JOINT TENANT
 WITNESS NAME.....
 WITNESS SIGNATURE
 WITNESS ADDRESS.....
 DATE.....

APPENDIX 3.1

Assignment Application Form



Application for Assignment of Tenancy

The issue of this form does not mean that assignment will be granted.
Answer all questions.

Blairtummock Housing Association Ltd's written consent must be obtained before you can pass your tenancy to another person

1. Tenants Details	
Tenant(s) Name	
Address	
Postcode	
Start Date of Tenancy	
Property Type	
No of Bedrooms	

2. Why are you applying to pass on your tenancy?

3. Who are you applying to pass your tenancy to?				
Name(s)	Date of Birth (dd/mm/yy)		Relationship to you	When did they move in (dd/mm/yy)

N.B. Please enclose proof of identity & 2 forms of residency for each person listed at Section 3.

4. Provide details of previous addresses over the past 5 years for all people detailed at Section 3 (continue on a separate sheet if necessary)

Name	Address	Landlords name, address & telephone number	Date from	Date to	Reason for moving

5. Do any of the people listed at Section 3 own or rent any other property? (please tick)

Yes	No
------------	-----------

If yes give details (Name & Addresses):

6. Has anyone listed at Section 3 ever held a tenancy with Blairtummock Housing Association Ltd?

Yes	No
------------	-----------

If yes please give details below:

Name	Address	Date from	Date to

7. Who will live at the tenancy address?			
Name(s)	Date of Birth (dd/mm/yy)		Relationship to person(s) applying for the tenancy

8. Are you moving out of the property? (please tick)	Yes	No
If yes, when will you move out? (date)		
Where are you moving to? (address)		

9. Has your home been adapted in any way for use by a disabled person? (please tick)	Yes	No
If yes, please give details:		

Do any household members require ground level accommodation or special adaptations? (please tick)	Yes	No
If yes, please give details:		

10. Declaration (to be completed by the existing tenant/joint tenants)

The information I have given in this form is true and accurate. I agree that Blairtummock Housing Association Ltd can make any enquiries they need to confirm the details I have given.

I/we understand that I/we will receive a written reply to this application within one month of receipt of this application and that the change of tenancy cannot go ahead until Blairtummock Housing Association Ltd's written consent has been given.

Tenant's Signature: _____

Joint Tenant's Signature: _____

Date: _____

11. Declaration Under the Matrimonial Homes (Family Protection) (Scotland) Act 1981 (to be completed by the existing tenant(s) spouse or partner if they are not joint tenant(s))

I _____ am fully aware of all the details of the application to assign the tenancy of _____ and give my consent to it. I confirm that the details given are true and accurate.

Signed: _____

Witnessed: _____

Witnessed: _____

Date: _____

N.B: The existing tenant(s) of the property should not witness Section 11.

12. Assignee(s) Declaration (to be completed by the person(s) named at Section 3)

The information I have given in this form is true and accurate. I agree that Blairtummock Housing Association Ltd can make any enquiries they need to confirm the details I have given.

I/we understand that I/we will receive a written reply to this application within one month of receipt of this application and that the change of tenancy **cannot** go ahead until Blairtummock Housing Association Ltd's written consent has been given.

I/we agree to accept full responsibility for rent/service charges, along with any outstanding arrears and rechargeable repairs that may be outstanding. I/we will enter into an agreement with the Association to pay any such arrears.

Assignee Signature: _____

Joint Assignee Signature: _____

Date: _____

If we give you a tenancy based on false or misleading information, we may take legal action to repossess the property.

Notes

OFFICE USE ONLY

Application checked by: _____

Decision made Accepted/Refused (delete as appropriate)

Reason for decision: _____

Signed: _____ Date: _____

APPENDIX 3.2

Assignment Mandate



Blairtummock Housing Association Ltd

Housing List

Mandate for Tenancy Check

I/We, _____, currently
residing at _____, hereby
authorise Blairtummock Housing Association Ltd, 45 Boyndie Street,
Glasgow G34 9JL to undertake a tenancy check with any current or
previous landlord.

Signed: _____

Date: _____

Signed: _____

Date: _____

APPENDIX 3.3

Assignment Checklist



Assignment Standard Checklist

1.	Is a notice of proceedings in force?	Yes	No
----	--------------------------------------	-----	----

	If yes, is it reasonable to refuse an assignation.	Yes	No
--	--	-----	----

If yes, please specify reasons why

Remember that a person to whom a tenancy has been assigned is a qualifying occupier (Housing (Scotland) Act 2001, Section 14 (6)).

2.	Is an order for recovery of possession in force?	Yes	No

If yes, refuse request to assign

3.	Would consenting to the request result in statutory overcrowding?	Yes	No

If yes, refuse request to assign

4.	Are there any works proposed by the Association that would affect the accommodation to be used by the proposed assignee?	Yes	No

If yes, specify what these are and state whether works are sufficient to justify refusal of the request to assign

5.	Has the proposed assignee lived in the house as her/his only principle home for the 12 month period preceding the application?	Yes	No

If no, refuse the request the application until 12 months residence has been fulfilled

6.	Is the proposed assignee aged 16 or over?	Yes	No

If no, refuse the request to sign until the person reaches 16

7.	Is there any evidence for believing the proposed assignee will be unable to fulfil the terms of tenancy, for example, a previous history of anti-social behaviour, or non-rent payment that is likely to continue this tenancy?	Yes	No
----	---	-----	----

If yes, specify reason(s):

8.	Is there a spouse with occupancy rights in the matrimonial home to sublet/take in a lodger been granted?	Yes	No
	If yes, has the spouse consented to the assignation	Yes	No
	If yes, append formal consent documentation If no refuse application to assign		
9.	Has request to assign been granted?	Yes	No
<p>If yes, date granted: _____</p> <p>Housing Officers name: _____ Signature: _____</p> <p>If no, refer the case to the line manager for review.</p>			
10.	Is the decision to refuse permission upheld by the line manager	Yes	No
<p>If no, specify reason(s)</p> <p>Signature of Line Manager: _____ Date: _____</p>			

APPENDIX 3.4

Minute of Assignation



Blairtummock Housing Association

Minute of Assignation of Tenancy

I/we _____ (the "Assignor(s)") hereby assign to
_____ (the Assignee(s)) my/our whole rights, obligations,
responsibilities, interest and any debts relevant to the tenancy as tenant(s) in the
dwellinghouse at _____ with effect from _____ and

I/we the assignee(s) hereby agree to be bound by the terms embodied in the attached Scottish Secure Tenancy

Agreement, of which I/we have received a copy. I/we accept the rights, obligations, responsibilities, interest and any debt relevant to the tenancy. as tenant(s) in the dwelling house at _____ with effect from _____.

I/we the assignee(s) also hereby confirm that the dwellinghouse at _____ has been my/our only principal home for the period of twelve months ending with the date of application for assignation.

(Assignor)

Date: _____

Signature: _____ (witness) _____

(Name of witness) _____

(Address of witness) _____

(Where second Assignor)*

Date: _____

Signature: _____ (witness) _____

(Name of witness) _____

(Address of witness) _____

(Assignee)

Date: _____

Signature: _____ (Witness) _____

(Name of Witness) _____

(Address of Witness) _____

(Where second Assignee)*

Date: _____

Signature: _____ (witness) _____

(Name of witness) _____

(Address of witness) _____

On behalf of Blairtummock Housing Association, proprietor and landlord, I hereby consent to the above assignment, and accept the assignee(s) as tenant(s).

date: _____ (signature) _____

(designation) _____

* to be completed when a joint tenancy is being assigned, or where the tenancy is being assigned to joint tenants

APPENDIX 3.5

Assignment Approved Letter – New Tenant

Dear

Assignment of Tenancy

I write to advise you that the request from to assign their tenancy over to yourself has been granted. The effective date will be.....

You will need to sign a Tenancy Agreement and I would request that you attend this office onat

As previously advised, as part of taking on the responsibility of this tenancy, you will be held liable for any debt/arrears on the account (if applicable).

Yours sincerely

Housing Officer

APPENDIX 3.6

Assignment Approved Letter – Existing Tenant

Dear

Assignment of Tenancy

I write to advise you that your request to assign the tenancy over tohas been granted. The effective date will be

From this date, you will no longer be tenant of the property and will be the new tenant and will be responsible for any arrears on the account.

Yours sincerely

Housing Officer

APPENDIX 3.7

Assignment Refused Letter

Dear

Request to Assign your Tenancy at (Address)

Further to your application to assign your tenancy to (Name of assignee).
I write to advise you that your application has been refused on the
following ground/s:

1

2

Please note that you have a legal right to appeal this decision through the Sheriff Court. If you wish to appeal, contact your solicitor or local centre for advice, for example, the Citizen's Advice Bureau or Shelter. Alternatively, contact me and I shall be pleased to provide you with further details concerning how to appeal.

Yours sincerely

Name
Housing Officer

APPENDIX 4.1

Succession Request Form



Request to Succeed Tenancy

1. Name of person requesting to succeed: _____
2. Property Details:
 - a: Type of house: _____
 - b: Size of house: _____

3. Property Address: _____

4. Relationship to former tenant (please tick) Date of Birth

a.	Spouse	
b.	Co-habitee	
c.	Joint Tenant	
d.	Member of family	
e.	Carer	

5. How long resident in house (enter period and date if known)

6. Details of other people living in the house (to identify if more than one qualifying occupier).

Name	Date of Birth	Relationship to Applicant

7. Evidence supplied to confirm house is the principal home (two sources of evidence should be obtained and copies taken with applicants consent.

Correspondence on house file	
Employer Letter	
Other official Correspondence (DSS letter)	
Letter from Medical Establishment	
Other Agency Contact	
Council Tax Letter	
Housing Benefit Correspondence	
Other	

8. In the case of carers, has applicant given up their principal home to care?

No (refuse)	Yes (written evidence)

Applicant signature: _____

Date: _____

Housing Officer signature: _____

Date: _____

APPENDIX 4.2

Succession Checklist

Staff Checklist

1. Is applicant a qualifying person? Yes/No

If yes, specify which category: _____

If no, refuse with reason: _____

2. Does applicant fulfil the principal home criteria? Yes/No

If yes, what evidence has been supplied by the applicant? (attach copies of evidence)

If no refuse

3. Has property been specially adapted? Yes/No

If yes, check if qualifying person requires such accommodation (refer to procedure guidance on specially adapted property)

4. Is there more than one qualifying person? Yes/No

If yes, have they agreed who should succeed? Yes/No

If yes provide written confirmation from the persons concerned.

If no, landlord to decide.

5. If application is refused, has applicant been advised of appeal rights? Yes/No

If no, explain why:

Managers Signature: _____

Date: _____

APPENDIX 4.3

Succession Approved Letter

Date

Dear

Succession to Tenancy at (Property Address)

Further to your request to succeed to the tenancy at (property address), I am pleased to advise you that your request has been approved.

The succession starts on (date of tenant's death), with rent due from this date. Rent payable is £..... . Kindly contact me to arrange a meeting to discuss tenancy rights and obligations.

Should you wish to decline the tenancy, please complete and return the attached form as soon as possible but within 28 days. (Document 6)

Please accept our condolences for your loss.

Yours sincerely

Housing Officer

APPENDIX 4.4

Letter to Family Member

Dear

Notice of Succession at (property address)

Further to enquiries, it has been brought to my attention that you may be entitled to the tenancy at (property address).

This will apply if you satisfy all of the following conditions:

- the house has been your only or principal home for the 12 months prior to the tenant's death

- We were advised in writing by the tenant that you were living in the property (at least 12 months ago).
- you are currently aged 16 or over

Kindly contact me to arrange a meeting to discuss details as soon as possible and no later than (insert date) by calling

.....

I enclose a refusal letter (Document 6) should you wish to decline the tenancy.

Please accept our condolences for your loss.

Yours sincerely

Housing Officer

APPENDIX 4.5

Letter to Carer

Dear

Notice of Succession at (Property Address)

Further to enquiries, it has been brought to my attention that you may be entitled to the tenancy at (property address).

This will apply if you satisfy all of the following conditions:

- The house was your only or principal home for 12 months prior to the tenant’s death.
- We were advised in writing by the tenant that you were living in the property (at least 12 months ago).
- You are currently aged 16 or over

Kindly contact me to arrange a meeting to discuss details as soon as possible and no later than (insert date) by calling

I enclose a refusal letter (Document 6) should you wish to decline the tenancy.

Please accept our condolences for your loss.

Yours sincerely

Housing Officer

APPENDIX 4.6

Letter re Lock Change

Dear

Notice of Succession at (Property Address)

I note that you have failed to respond to our correspondence regarding succession of the above tenancy. The Association will therefore change the locks on (Date).

If you still wish to apply to succeed to the tenancy, it is essential that you contact us before 5pm on (7 days from date of letter)

Yours sincerely

Housing Officer

APPENDIX 4.7

Letter declining Succession

To: Blairtummock Housing Association

From: (name of qualifying occupier)

**Notification of Intention to Decline the Succession to Tenancy at
(property address)**

Further to your letter confirming my right to succeed to the tenancy at (property address), I write to confirm that I wish to decline this tenancy.

I understand that you will contact me in the near future to discuss handover of keys and payment of any rent due.

Signature:

Date:

APPENDIX 4.8

Notification to Leave Letter

Dear

Rental Payment in respect of (property address)

I thank you for your letter indicating your intention to decline the tenancy at (property address). Please note that you are liable to pay any rent due from the date (name of former tenant) passed away.

You are entitled to stay in the property until(insert date 3 months from the date the tenant died).

Kindly contact me as soon as possible on() to make suitable arrangements.

Yours sincerely

Housing Officer

APPENDIX 4.9

Succession Refusal Letter

Dear

Request to Succeed to Tenancy at (property address)

Further to your recent request to succeed to the tenancy at (property address), I write to advise you that you are not entitled to succeed to the tenancy for the following reason(s):
(Insert appropriate reason)

1. You are not a qualifying occupier under the Housing (Scotland) Act 2001 and therefore not permitted to succeed to the tenancy.
2. You are the tenant's spouse but were not occupying the house as your principal home at the time the tenant passed away.
3. You are the joint tenant but were not occupying the house as your principal home at the time the tenant passed away.
4. You are not a member of the tenant's family.
5. You are not aged 16 or over.
6. You are a member of the tenant's family aged 16 or over but were not occupying the house as your principal home for the 12 months prior to the tenant passed away.
7. The Association was not notified in writing by the tenant that you were residing in the property for 12 months prior to the tenant's death.

Please note that should you wish to appeal this decision, you should do so in writing within 14 days. Your appeal will be heard by the Association's Housing Services Committee.

If this is unsuccessful, you then have a legal right to appeal this decision through the Sheriff Court.

If you decide to appeal through the courts, you should contact your solicitor or local centre for advice, for example, the Citizen's Advice Bureau or Shelter.

Alternatively, please contact me and I shall be pleased to provide you with further details concerning how to appeal.

If you do not wish to appeal this decision, please inform us to this effect and make arrangements to vacate the property and return all keys to the office within 14 days of the date on this letter.

Yours sincerely

Housing Officer

APPENDIX 4.10

Deed of Succession



DEED OF SUCCESSION

This document certifies that on (date)

..... succeeded to the tenancy of (address)

The current rental charge for the property is **£..... (4 weekly)**

On signing this Deed of Succession, you are agreeing to take over the tenancy of the above address and agree to fulfil the tenancy obligations set out in the Tenancy Agreement. You are also agreeing to become liable for any outstanding debt owed on this rent account.

Signed by.....Date.....

.....Date.....

(incoming tenant/s)

Witnessed byDate.....
(Housing Officer)

APPENDIX 5.1

Sublet Application Letter

Date:

Dear

Sub-Letting Application

I refer to your recent request to sub-let your property and now enclose Sub-Letting Applications for completion by both yourself and your proposed sub-tenant(s), who should also complete and sign the enclosed Mandate for Tenancy Reference form.

Please note that these forms should be returned to the Association at least 28 days prior to when you wish the sub-tenancy to commence, for administrative reasons.

If your application has been successful, I will state the terms under which permission is granted and the procedures to be followed. I will also inform you if your application has been unsuccessful. In the meantime, I am enclosing the Association's general policy in relation to sub-letting.

Should you have any queries regarding the above, then please do not hesitate to contact me.

Yours sincerely

Housing Officer

Enc

APPENDIX 5.2

Sublet Application Forms

Sub-Let Application Association Tenant Details

1. Name(s): _____

2. Address: _____ Flat Position: _____

3. Telephone No: _____

4. Proposed date of Commencement of Sub-Let: _____

5. Approximate Period of Sub-Let: _____

6. Name & Address of Proposed Sub-Tenant(s):

7. Forwarding Address of Tenant(s):

8. Reason(s) for Sub-Letting Request:

9. Convictions

Have you ever been convicted of any criminal offence which cannot be regarded as spent as defined within the Rehabilitation of Offenders Act 1974? (N.B. This will not affect your application)

Yes/No/Don't Know

Are you required to register with the Police under the Sexual Offences Act 2003?

Yes/No/Don't Know

10. Declaration: "I hereby declare that the above is a true record of my/our circumstances":

Tenant's Signature: _____ Date: _____

Joint Tenant's Signature: _____ Date: _____

Sub-Let Application Prospective Sub-Tenant Details

1 Name(s): _____

2 Address: _____ Flat Position: _____

3 Telephone No: _____

4 State if tenant(s) current Address: Yes/No

5 Number of Dogs: _____ Breed(s): _____

6 Previous Addresses (last 5 years)

Address	Landlords Name & Address	Period of Occupancy	State if Tenant	
			Yes	No

7 Address being applied for: _____

8 Family Composition:

Name	Date of Birth	Relationship

9 Convictions

Have you ever been convicted of any criminal offence which cannot be regarded as spent a defined within the Rehabilitation of Offenders Act 1974? (N.B. this will not affect your application)

Yes/No/Don't Know

Are you required to register with the Police under the Sexual Offences Act 2003?

Yes/No/Don't Know

10 Declaration: "I hereby declare that the above is a true record of my/our circumstances".

Tenant's Signature: _____ Date: _____

Joint Tenants Signature: _____ Date: _____

APPENDIX 5.3

MANDATE



Blairtummock Housing Association Ltd

Sub-Tenancy Application

Mandate for Tenancy Check

I/we, _____,
currently residing at _____, hereby
authorise Blairtummock Housing Association Ltd, of 45 Boyndie Street,
Glasgow, G34 9JL to undertake a tenancy check with any current or
previous landlord.

Signed: _____

Date: _____

Signed: _____

Date: _____

APPENDIX 5.4

Sub-Let Granted Letter

Date:

Dear

Sub-Letting Application

I am writing to inform you that permission to sub-let your property to _____ has been granted, on the following basis:

1. That the tenancy obligation remain your responsibility throughout the period of the sub-tenancy (e.g. you remain responsible for the payment of rent and accept responsibility for your sub-tenant's conduct).
2. That you keep the Association fully informed of your whereabouts throughout the sub-tenancy.
3. That you issue a Notice to Quit and Notice of Proceedings upon your sub-tenant when requested to do so by the Association.
4. That you return immediately to the above property when your sub-tenant leaves.
5. You are fully aware of the rental and security implications of your sub-tenant leaving the property prior to the expiry of the sub-tenancy period, i.e. the sub-tenant will have stopped paying rent and the property will be empty and vulnerable.
6. That your sub-tenant will **never** become the full tenant of the property, under any circumstances.

Should you have any queries, then please do not hesitate to contact me.

Yours sincerely

Housing Officer

APPENDIX 5.5

Sub-let Refused Letter

Date

Dear

Sub-Letting Application

I regret to inform you that permission to sub-let your property has been denied for the reasons as follows:

Should you have any queries, then please do not hesitate to contact me. Alternatively, should you wish to appeal against the decision, then please write to the Association's Housing Services Manager, John King, in the first instance. Please note that you have a legal right to appeal this decision through the Sheriff Court.

Yours sincerely

Housing Officer