



sustainable thriving achieving

East Dunbartonshire Council

www.eastdunbarton.gov.uk

Housing & Community Services

POLICY ON TENANCIES AND TENANCY-RELATED MATTERS

If you have any difficulty with sight, or if you need a translated copy of this document, please let us know. We will be pleased to provide a copy of the document in a form that suits your needs. Contact the Housing Policy Team on 0141 578 8156.

如果您的视力有问题或需要翻译这份文件，请通知我们。我们会乐意为您提供一份适合您阅读的文件。请联络房屋政策小组 (Housing Policy Team)，电话：0141 578 8156。

यदि आप को नज़र वाली कोई कठिनाई है अथवा आप को इस दस्तावेज़ की अनुवाद वाली कापी चाहिए तो कृपया हमें बताएं। हम आप को यह कापी आप को आवश्यकताओं के अनुसार प्रदान करेंगे। हाउजिंग पालिसी टीम से इस नंबर पर संपर्क करें 0141 578 8156

ਜੇਕਰ ਤੁਹਾਨੂੰ ਨਜ਼ਰ ਦੀ ਕੋਈ ਤਕਲੀਫ਼ ਹੈ ਜਾਂ ਤੁਹਾਨੂੰ ਇਸ ਦਸਤਾਵੇਜ਼ ਦੇ ਅਨੁਵਾਦ ਵਾਲੀ ਕਾਪੀ ਚਾਹੀਦੀ ਹੈ ਤਾਂ ਕ੍ਰਿਪਾ ਕਰਕੇ ਸਾਨੂੰ ਦੱਸੋ। ਅਸੀਂ ਤੁਹਾਨੂੰ ਇਹ ਕਾਪੀ ਤੁਹਾਡੀਆਂ ਲੋੜਾਂ ਅਨੁਸਾਰ ਪ੍ਰਦਾਨ ਕਰਾਂਗੇ। ਹਾਊਜ਼ਿੰਗ ਪਾਲਿਸੀ ਟੀਮ ਨਾਲ ਇਸ ਨੰਬਰ ਤੇ ਸੰਪਰਕ ਕਰੋ 0141 578 8156

اگر آپ کو دیکھنے میں کوئی مشکل درپیش ہے یا اس دستاویز کی ترجمہ والی کاپی درکار ہے تو برائے مہربانی سے ہمیں مطلع کریں۔ ہمیں آپ کو اس کی کاپی جس طرح کی بھی آپ کو ضرورت ہو مہیا کرنے میں خوشی محسوس ہوگی۔ اس فون پر ہاؤسنگ پالیسی ٹیم سے رابطہ کریں۔

0141 578 8156

Introduction

1. This Policy provides a brief overview of how Housing & Community Services will:
 - Maximise tenancy rights for people who have been rehoused by us, under the Allocations Policy;
 - Manage important changes in circumstances which can occur after a tenancy is granted – for example, if a tenant dies or if a tenant wishes to apply for permission to sub-let their house.
2. The Policy provides a general overview. More detailed information is available in our estate management procedures and in the following related policies and procedures:
 - Tenancy sign-up and settling-in visit procedures
 - Mutual exchange policy
 - Short Scottish Secure Tenancy policy and procedures
 - Succession procedures
 - Abandonment procedures
 - Joint tenancies procedures (adding a joint tenant; termination by a joint tenant; abandonment by a joint tenant)
 - Abandonment by a joint tenant procedures
 - Assignment procedures
 - Change of tenant's name procedures.

Scottish Secure Tenancies

3. Customers who receive and accept an offer of rehousing will enter into a contract for housing with the Council. The contract will normally be based on a written lease which accords with the Housing (Scotland) Act 2001. This will create a **Scottish Secure Tenancy (SST)**.
4. East Dunbartonshire's tenancy agreement is based on the Model published by the Scottish Executive in 2002, with minor local variations as permitted by the Executive's guidance on the Model agreement.
5. The rights and responsibilities, duties and obligations placed on the Council and the customer will be fully explained to customers before they sign the Scottish Secure Tenancy, at tenancy sign-up meetings. Where appropriate, customers will be assisted to make an application for Housing Benefit and Council Tax Benefit at the same time as signing the tenancy agreement. Sign-up meetings will be conducted using the standard procedures developed for use by all Housing & Community Services local offices.

Short Scottish Secure Tenancies

6. The Council's general policy is to offer a full SST wherever possible, to maximise the rights which tenants enjoy. The kind of tenancy offered by the Council to some customers (e.g. accommodation for homeless people which is of a temporary nature, or decant properties) may not be Scottish Secure Tenancies.
7. East Dunbartonshire Council may offer a Short Scottish Secure Tenancy (Short SST) in the circumstances specified in the Housing (Scotland) Act 2001, where:
 - A tenant has been previously evicted for anti-social behaviour in the past 3 years
 - Tenants or a member of the tenants household is subject to an anti-social behaviour order
 - Temporary accommodation has been provided for tenants who have to move because of work being carried out on their house
 - Where temporary accommodation is provided for people taking up employment in the area
 - Accommodation let to a homeless person on a temporary basis for more than 6 months
 - Accommodation let on a temporary basis to someone in receipt of housing support services
 - Properties leased from another body by East Dunbartonshire Council
8. East Dunbartonshire Council will serve a notice on the tenant informing them that a Short SST is being offered, and not the full Scottish Secure Tenancy.
9. Tenants have the right to appeal such a decision by East Dunbartonshire Council through a sheriff court at any time.
10. Under Section 35 of the Housing (Scotland) Act 2001, East Dunbartonshire Council can convert a Scottish Secure Tenancy to a Short SST, where a member of the household is subject to an antisocial behaviour order. The tenancy will automatically convert upon serving a notice of conversion, which specifies the member of the household subject to the order.
11. A Short SST will be for a term of not less than 6 months. Upon its expiry it may automatically continue for the same period as initially granted, or by an explicit agreement between the tenant and East Dunbartonshire Council.
12. Where a Short SST has been granted because a member of the household is subject to an anti-social behaviour order, or because the tenant has been previously evicted from a tenancy for anti-social behaviour in the past 3 years, the Short SST will automatically convert to a full Scottish Secure Tenancy after 12 months, if the Council does not serve a notice in the prescribed form within

the first 12 months of the tenancy. If a notice is served before the end of the 12 month term, the tenant is given a specified period of time to leave the property. East Dunbartonshire Council may also apply to court to recover possession of a Short SST under Section 36 of the 2001 Act.

13. More information on the use of Short SSTs is provided in the Service's policy and procedures on Short SSTs.

People with social care and support needs

14. We will issue applicants with a SST, wherever possible. However, housing customers who have difficulty understanding a tenancy agreement will not be asked to sign up to a SST. In these circumstances, alternative tenancy arrangements, involving the lease of property to an authorised care provider, will be put in place. Legal advice will be sought in this matter by Housing Officers.

Joint Tenancies

15. It is the Council's policy to issue joint tenancies to all those adults intending to live together, in order to ensure maximum security of tenure for each, unless all parties to the tenancy explicitly reject this form of tenancy.
16. Where tenancies become single tenancies either by order of the Courts or with the permission of the Council, an alteration to the existing tenancy agreement will be made via a docket. A joint tenant can terminate their interest in a tenancy by giving 4 weeks written notice to East Dunbartonshire Council and other joint tenants.
17. The Council may also take action to terminate one or more of the joint tenants' interests in a tenancy if it has reasonable grounds for believing that the joint tenant is not occupying the house and does not intend to, in accordance with Section 20 of the Housing (Scotland) Act 2001.
18. More information on matters relating to joint tenancies is provided in the procedures accompanying this Policy. The procedures cover circumstances in which a new joint tenant is added to a tenancy; termination of tenancy by a joint tenant; and abandonment by a joint tenant.

Subletting, mutual exchanges and lodgers

19. Procedures relating to these aspects of tenancy management (including information leaflets and application forms for customers) are provided in the Service's estate management procedures.

Succession to a Scottish Secure Tenancy

20. The Council will meet the statutory obligations which apply to tenancy successions, as described in Part 2 (Section 22) and Schedule 3 of the Housing (Scotland) Act 2001. In meeting these obligations, the Council will have regard to the guidance issued by Scottish Ministers in Scottish Executive Circular 6/2002.
21. The Council will provide people applying to succeed to a tenancy with a prompt and sympathetic service, recognising the need for sensitivity in dealing with people who have experienced a recent bereavement.

Full information about how succession requests will be managed is set out in the Council's succession procedures.

Change of Tenancy

22. All proposed changes in tenancy arrangements should be notified to the Council, for example where a tenant wishes to:
 - voluntarily transfer (or "assign") the tenancy to their spouse or partner or to another member of the family;
 - become a joint tenant with their spouse or partner or another member of the family
 - change their name on the tenancy for various reasons e.g. following marriage, divorce or other circumstances.
23. Any requests by a tenant to transfer rights of his/her tenancy to another person, must be made in writing. If required, staff will assist customers with putting their request in writing. Applications should be assessed and approved in accordance with the guidance on "tenancy agreement permissions" contained within the Service's estate management procedures, and the procedure notes which have been produced on assignations, changes of name and adding a new joint tenant, as appropriate. Alteration to the existing tenancy agreement will be made via a docket.

Matrimonial Breakdown (Transfer of Tenancy)

24. A Transfer of Tenancy is different to a Change of Tenancy. It refers to the legal transfer of tenancy from one spouse to another by the court under the terms of the Matrimonial Homes (Family Protection (Scotland) Act 1981.
25. Under the terms of this Act, a sheriff may compulsorily transfer a tenancy to one partner in a matrimonial dispute.

26. Any requests by a tenant to transfer rights of his/her tenancy to another person, must be made in writing. In this case a docket should be signed by the assignee and filed with the Missive of Let. A copy should also be given to the tenant.
27. Where there is a matrimonial dispute and the Court awards the tenancy of the matrimonial home to one partner, the other may have an application assessed or reassessed as a homeless or waiting list customer, where the intention is to set up a separate household. Where a court transfers a tenancy to one partner, no new missive of let should be completed. A docket must be attached to the existing missive outlining the change in name for the tenancy.
28. Similarly, if divorce or separation is being sought through the Courts, whether or not this involves a transfer of tenancy, the partner intending to set up a separate home will be assessed as a homeless or waiting list applicant.