

# Changes of Tenancy



## Why might a tenancy be changed?

This could be because you want to change the status of your tenancy from:

- joint to single tenancy
- single to joint tenancy
- assign a tenancy to someone else

If you want to change your tenancy speak to your local area housing office as soon as possible to find out how to make an application.

## How can I apply to move to a different Council house?

Existing tenants who wish to apply to move to another Council property can do so by making an application under the Common Housing Register.

You may be looking for a move because the property you are in is no longer suitable for the size and needs of your household, or because you wish to move to another area of Perth and Kinross to meet work or family commitments.

Once you have submitted the application to the Common Housing Register your housing needs will be assessed and your application considered under the priority bandings of the Allocations Policy.

We may withhold an offer of housing if you are in serious breach of your Tenancy Agreement. For example, if:

- you have current or former rent arrears;
- your house or garden is in a poor condition;
- you have been the subject of a neighbour complaint;
- you have been convicted of a serious crime, such as being involved in supplying illegal drugs.

## Can I swap houses with another Council tenant?

As a Perth & Kinross Council tenant you may be able to exchange your home, by agreement, with another Council tenant, or with a tenant of a registered social landlord or housing association.

To apply for a mutual exchange ask at your local Area Housing Office for an application form.



### Looking for more information?

Check the Perth & Kinross Council website [www.pkc.gov.uk](http://www.pkc.gov.uk) or contact any Council office to request a copy of:

- Tenants' Guide on Ending Your Tenancy (section 11.1)
- Tenants' Guide on Inheriting a Tenancy (section 11.2)

# Ending Your Tenancy



If and when you end your tenancy you must make sure the house is left in a suitable condition for the next tenant.

Before you leave the property you will be visited by a member of the Housing Repairs Service who will discuss with you any necessary repairs which need to be carried out on your home to bring it up to a reasonable standard. You will be charged the full cost for any work which needs to be carried out which is not due to fair wear and tear.

Normally, Secure Tenancies can only be ended in one of the following ways:

## **Giving 28 days notice in writing**

- If you want to end your tenancy you must write and give us 28 days notice of when you will move out. If you don't return the keys to your local area housing office (or to another agreed Council office) by the due date you will be charged rent for the additional time at the normal weekly rate. (When a tenant moves in to permanent residential care, or dies, the rental charge ends as soon as the keys are returned to the area office).
- If the Council ends your tenancy through legal proceedings you will have to pay the rent for the period up to the date of eviction, and pay all court expenses and Sheriff Officer's fees.

## **If the tenant dies and no-one has the right to inherit**

The tenancy is terminated and the rent stops on the date the keys are returned to the area office.

## **Repossession**

- Your tenancy is at risk if you have not met the terms of the Tenancy Agreement. This may include:
- Not paying rent;
- Any member of your household is convicted of using the house or allowing it to be used for illegal purposes;
- The condition of your house or common areas has deteriorated because of neglect or damage caused by a member of your household or visitors;
- If you provided false information in your housing application;
- Not using the property as your main home.
- Initially a Notice of Proceedings for Recovery of Possession of your house will be served, giving the grounds for eviction. If the situation hasn't been resolved in the following 28 days an action will be lodged in court. The Sheriff will then determine whether it's reasonable to end your tenancy.

At any stage during these proceedings you can contact your local area housing office to discuss what steps you can take to resolve the situation and avoid the need for court action. You can also defend any legal action taken against you.

## **Abandonment**

If we have reason to believe you have left the property without telling us, we will serve a Notice of Abandonment to end your tenancy. It may be necessary to forcibly gain access to the property to



make it secure. If you don't contact your Area Office within 28 days of the Notice of Abandonment being served the tenancy will be formally terminated.

In some cases, and if the value of the items justifies it, we will store household contents for six months. After that we will dispose of your belongings. Any money made from the disposal will be off-set against any outstanding debts.

If you feel we have acted unreasonably you can appeal to the Sheriff Court. You can get legal advice on appealing by contacting a solicitor or the Citizens' Advice Bureau.



### **Looking for more information?**

Check the Perth & Kinross Council website [www.pkc.gov.uk](http://www.pkc.gov.uk) or contact any Council office to request a copy of:

- Tenants' Guide on Inheriting a Tenancy (section 11.2)
- Tenants' Guide on Repairs and Maintenance (section 3)

# Inheriting a Tenancy



When a tenant dies the tenancy may be inherited in a number of ways:

## Level 1

- The tenancy is inherited by the tenant's surviving spouse or civil partner if the house was their only, or principal, home at the time of the tenant's death.
- The tenancy is inherited by the deceased tenant's co-habitee if the house was their only, or principal, home for at least six months before the tenant's death.
- The tenancy is inherited by a joint tenant if the house was his/ her only, or principal, home when the tenant died.

## Level 2

If no-one qualifies at Level 1, or if a qualified person does not want the tenancy, it may be inherited by another member of the deceased's family, as long as:

- He/ She was aged 16 or older at the date of the tenant's death, and
- The house was his/ her only, or principal, home at the date of the death.

## Level 3

If no-one qualifies at Level 1 or 2, or a qualified person does not want the tenancy, it can be inherited by a carer, as long as all of the following apply:

- He/ She was aged 16 or older at the date of the tenant's death
- The house was his/ her only, or principal, home at the date of the death
- He/ She gave up another only, or principal, home before the death of the tenant
- He/ She is providing, or was providing, care for the tenant or a member of the tenant's family.
- If more than one person qualifies and they are unable to decide amongst themselves who should succeed to the tenancy, the Council will make the final decision.

## Sheltered Housing

Please note that tenancies for properties in designated sheltered housing complexes can only be inherited by the surviving spouse or civil partner if they qualify for sheltered housing in their own right.