

## What Happens Next?

When we get your request we will carry out all the same checks as detailed under sub-letting your tenancy.

We must give you our decision within one month. If you do not get a reply then you can go ahead and take in a lodger.

If we give permission for a lodger to live in your home, this will be for a maximum period of 6 months. You must tell us if there are any changes in this time. If you end your tenancy during this period, you must make sure that your lodger moves out. We will not let them remain in the house.

Ochil View Housing Association Ltd.,  
Registered Office: Ochil House, Marshall,  
Alloa, Clackmannanshire FK10 1AB.

General Enquiries: 01259 722899  
Fax: 01259 212728  
Email: [customerservices@ochilviewha.co.uk](mailto:customerservices@ochilviewha.co.uk)  
Web: [www.ochilviewha.co.uk](http://www.ochilviewha.co.uk)

Honorary President: Jennifer, Lady Balfour of Burleigh, Chairperson: Margaret Baxter,  
Chief Executive and Company Secretary: George Tainsh, MA Dip. TP

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# Tenancy Agreements



OCHIL VIEW  
— Housing Association Ltd. —

## Joint Tenancy, Exchanges, Subletting, Assignations, and Lodgers

### Joint Tenancy

You have the right to request a Joint Tenancy with one or more people. They must have lived at the property as their only or principal home for the 12 months before you request, they become a joint tenant. You must also have notified us in writing that the person has moved in and that the property is the person's only or principal home and we must have given consent to this.

Joint tenants have equal responsibility for keeping the conditions of the tenancy. The law calls this "joint and several responsibility". For example, each joint tenant can be held responsible for paying the rent in full.

A joint tenancy can be created more than once. We will not allow a Joint Tenancy if the house would be overcrowded.

#### How Do I Apply?

You and the other person(s) wishing to become joint tenant(s) will need to advise us in writing by letter or completing an application form. If you have a 'My Home' Account, then please go to the Useful Forms section of your Dashboard and click on Tenancy Forms where you will find a Joint Tenancy Application Form to complete. If you do not have a My Home Account then you can request the application form to be sent to you by post or you can write to us.

#### What Happens Next?

We will make sure that all the applicants will be living in the house as their home. We will check if the house would be overcrowded. We will check our records to make sure

- You have lived at the property for 12 months or more or
- That there are no rent arrears or
- If you owe money to us for any other reason or
- If any of the people who would be joint tenants have been responsible for serious anti social behaviour.

We will reply within one month.

#### What Happens Next?

When we get your request we will carry out all the same checks as listed under 'Sub-letting Your Tenancy'.

We will also check that the person you want to assign the tenancy to has lived in the house as their only or main home for 12 months before the application has been made. If they have been living there as your sub-tenant, we won't give permission.

When we receive your request we will check the following: -

- You do not owe us any money
- There is no legal action being taken against you
- That we have not obtained a court order to end your tenancy
- The rent or deposit that you plan to charge the sub-tenant is reasonable.
- Your home will not be overcrowded.
- The Association does not intend to carry out major works to your home.

#### Granting/Refusing Permission

By law the Association cannot refuse permission without a good reason and we will always tell you our reasons for refusing.

We must give you a decision within 1 month. If you do not get a reply then you can go ahead and assign the tenancy.

### Taking In Lodgers

Taking in a lodger is when you rent out a room in your home to someone who is not part of your household.

#### Applying To Take In Lodgers

You must write and ask for our permission. The lodger may not move in until we have given our permission, in writing. You must tell us

- Who will live in your home as a lodger
- The amount of rent or any other payments you propose charging and
- When you want them to move in

You should put your request in writing giving all the details of who you want to take in as a lodger, the amount of rent or other payments you propose charging and when you want this to take place.

### **What Happens To My Sub-tenant If I Do Not Come Back?**

We will end your tenancy and your sub-tenant will have to move out. We will not give them the house.

### **Other Things to Think About**

In your agreement with you sub-tenant, you should make clear arrangements for making sure that the council tax and fuel bills, and any other bills are paid, any conditions for using your furniture or household equipment; how they can to contact you and when their sub-let will end.

Make sure you let your insurance company know that someone else will be living in the house.

### **Assigning Your Tenancy**

Assigning your tenancy happens when you pass on your tenancy to someone else who will take on all the rights and responsibility of your tenancy.

We will only consider giving permission to assign your tenancy if the house has been your only or principal home during the 12 months immediately before you apply for written permission to assign your tenancy. The person that you wish to assign to must also have lived at the property as their only or principal home for the 12 months before the application to assign is made.

The tenant, joint tenant or person they wish to assign their tenancy to must have notified us in writing that the person they wish to assign the tenancy to is living in the house. The 12-month period does not start unless the landlord has been notified that the person is living in the property as their only or principal home.

There are other conditions which are described below.

### **Applying To Assign Your Tenancy**

Before you can assign your tenancy, you must get our permission. Your request should be in writing giving all the details of who you want to assign the tenancy to. We have an application form for this and if you are registered on My Home then this can be found in the Useful Forms section of your dashboard. If you are not registered on My Home we can send this to you on request.

If you have been paid or promised to pay any money or get any other benefit to make the assignation, you must tell us about it.

### **Permission for a Joint tenancy**

The law states that we must grant you permission for a joint tenancy unless we have a good reason not to do it. A good reason would include:

- If we have begun legal action to end your tenancy or
- We have a Court Order to end your tenancy and evict you or
- The house would be overcrowded

If we give our permission, we will make arrangements for the tenancy agreement to be signed by all the new Joint Tenants.

### **What If Permission is refused?**

If permission is refused we will give you our reasons in writing.

If you are unhappy with our decision you can use our Complaints Procedure to have the decision reviewed.

### **Termination of a Joint Tenancy**

You have a right to terminate your joint tenancy at any time. You must give us at least 28 days notice. You can write a letter to us, or use the form we have. You must give the other joint tenants notice of your termination of tenancy and you must get the agreement of any other joint tenants, or your partner or spouse.

If you leave the house and you do not end your tenancy, we can serve a notice on you giving you notice that we plan to end your tenancy. You must contact us within 54 days of the date we give notice to you. If you do not contact us, we will serve another notice on you, giving a final warning that we plan to end your tenancy. 28 days later, your tenancy will end.

### **Exchanging your home**

You can request a mutual exchange with another of our tenants, a tenant of another Housing Association or the Council.

You must contact us to let us know about your plans. We have a form you can use. Tell us

- Who you want to exchange with and
- When you want the exchange to happen.

We will take a reference on the tenancy of the person you want to exchange with.

We won't let the exchange go ahead if you have rent arrears, or recharge arrears, or if the person you want to swap with has rent arrears or a history of anti-social behaviour. We won't let the exchange go ahead if our house would be overcrowded, or if it has been designed for a person with special needs and the house would not be lived in by someone with those needs.

You need our permission and permission from the other landlord. You must not move until you have this, in writing. Remember that we will not carry out any repairs for damage to your home, or improve the decoration. Your exchange partner must accept the house in the condition you leave it. We won't pay compensation for any improvements to the house that you have carried out.

## Sub-Letting Your Tenancy

Sub-letting is where you rent out your house because you are going to be away for a short time. For example if you get a temporary job away from home it can be better to have someone living in your house looking after it. However, you will continue to be responsible for the tenancy during your absence.

### Applying to Sub-let

Before you can sub-let, you must get our permission by completing a Sub-let Application Form which, is available in the Useful Forms section of your Dashboard if you are registered on My Home. If you do not have a My Home account then this can be sent on request.

- Who you want to sub-let to and how long they have resided in your property
- The amount of rent or any other payments you propose charging
- When you want the sub-tenancy to start
- Where you will move to on a temporary basis, and a contact number in case we need to contact you urgently.
- Why you want to sub-let your home

### What Happens Next?

When we receive your request we will check the following: -

- You do not owe us any money
- There is no legal action being taken against you or your proposed sub-tenant
- That we have not obtained a court order to end your tenancy

- The rent or deposit that you plan to charge the sub-tenant is reasonable.
- Your home will not be overcrowded.
- The Association does not intend to carry out major works to your home.
- That the type of tenancy agreement you plan to use is suitable and correct
- That your proposed sub-tenant has not been responsible for any anti-social behaviour.

### Granting/Refusing Permission

The Housing (Scotland) Act 2014 introduced grounds for refusing a request to sublet if the proposed sub-tenant was not resident in the property for a minimum period of 12 months prior to the date of sublet.

By law the Association cannot refuse permission without a good reason and we will always tell you our reasons for refusing.

We must give you a decision within 1 month. If you do not get a reply then you can go ahead and sublet.

### How Long Can I Sub-let My House For?

To begin with permission will be given to sublet your house for up to 6 months. If you still want to sub-let at the end of this, permission will usually be given for a further 6 months. You can only sublet your house for 12 months at the most.

### Conditions For Sub-letting

If we allow you to sub-let you will have to meet the following conditions: -

- You must make sure that the rent is paid and that your sub-tenant keeps to all other tenancy conditions.
- You must ask our permission if you want to increase the rent or other charges.
- You must tell us if your sub-tenant moves out and get our permission to move a new person into your house.
- You must write and tell us and your sub-tenant once you know the date you will be moving back into your house if you are coming back. If you want to come back before the 6 months is up you should contact your sub-tenant and us and arrange for them to move out.