

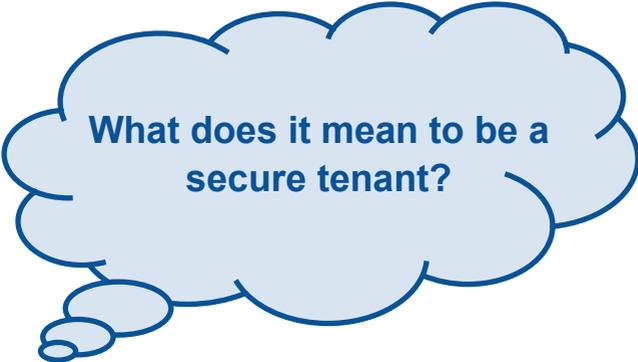
# **Your Tenancy Agreement**

**What does it mean to be a  
secure tenant?**

**Can someone else join my tenancy?**

**When can the Association seek  
possession?**





## What does it mean to be a secure tenant?

Your tenancy agreement is a legal contract and signing it makes you a secure tenant with rights and responsibilities. It means that you can keep your tenancy for as long as you want, as long as you do not breach the terms of your tenancy agreement and we do not have a legal reason to take possession of your home. It also means that we have responsibilities to you.

### Can someone else join my tenancy?

If you are the only tenant and you want another person to become a joint tenant, we will look at the circumstances to decide if we can allow this. Your rent account must be clear and there must be no problems with your tenancy.

You must have notified us when the other person lives with you and they must have lived with you for at least 12 months.

Joint tenants are equally responsible for the tenancy – including paying the rent. If one joint tenant dies, the tenancy is automatically transferred to the surviving tenant; if this happens, please inform your Housing Officer.

If a relationship breaks down, neither joint tenant can evict the other. If this happens, please contact your Housing Officer for advice. If you are a joint tenant and the other tenant has left, please contact your Housing Officer.

### Can I give my tenancy to someone else?

If you no longer wish to live in your home, we may, under some limited circumstances allow you to give you tenancy to a family member who has been living with you for at least 12 months (you must have notified us that they are living with you) and would qualify to succeed to the tenancy. This is called *assignation*.

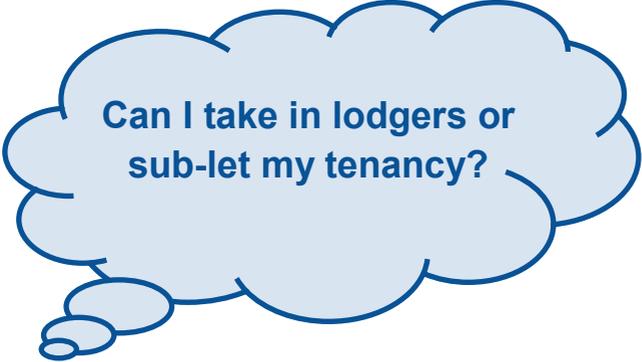
Your tenancy can also be assigned following a court order after the breakdown of a relationship. For more information, please contact your Housing Officer.

## Can anyone else inherit my tenancy if I die?

It may be possible for a member of your household to inherit your tenancy if you die: this is called *succession*. The law about who can succeed to a tenancy is very clear. People who have a right to succeed to a tenancy include the spouse or co-habiting partner of the tenant (providing they had been living with the tenant for at least 12 months), another family member who lived with the tenant as their only or principal home or, in some cases, the tenant's carer. You may be asked to prove this.

If there is more than one person qualified to succeed to the tenancy and the family cannot decide who should succeed, the Association will decide.

If the property has been designed or adapted for the elderly or disabled and the person qualified to succeed to the tenancy does not need that special type of accommodation, succession to that property may not be possible and the Association will then provide alternative accommodation. Please also read the leaflet '**Help and advice for relatives or friends of a tenant who has died**'.



Can I take in lodgers or sub-let my tenancy?

You must get written permission from the Association before taking in lodgers, otherwise you will be breaking the terms of your tenancy and the Association could take action against you.

We will consider each application individually, but we are likely to refuse permission where your home would become overcrowded; or we are taking action against you because you have broken the rules of your tenancy; or you intend to charge an unreasonable rent.

If you want to take in lodgers or sub-let your tenancy, please write to your Housing Officer, giving details of your proposed lodger/sub-tenant and the rent you intend to charge. We will give you our decision in writing within 2 weeks.

## Can I exchange my tenancy?

As a Scottish Secure tenant, you have the right to exchange your home with another Scottish Secure tenant – of any landlord – provided both you and the person you want to exchange with have the written consent of your landlord.

Landlords can refuse permission to exchange where:

- ⇒ Legal action is being taken against the tenant for breaking the rules of the tenancy (this includes where a Notice has been served)
- ⇒ The house was provided by the landlord in connection with the tenants' employment
- ⇒ The house is designed or adapted for tenants with special needs, and the exchange would mean that there was no longer a person with special needs living in the house
- ⇒ The exchange would cause overcrowding or under-occupation.

You must have a live Highland Housing Register application before applying and more information can be found at: [https://www.highland.gov.uk/info/925/council\\_housing/255/your\\_council\\_tenancy/9](https://www.highland.gov.uk/info/925/council_housing/255/your_council_tenancy/9)

Please also read the leaflet '**Mutual Exchange**' or contact your Housing Officer for advice if you are thinking about an exchange.

Can I exchange my home with someone from somewhere else in the country?

Yes, if they have a secure tenancy. The Association is a partner of House Exchange. House Exchange is an organisation for social tenants who want to swap their home. You can register online free of charge and House Exchange automatically matches you to potential swaps. Please visit House Exchange at: [www.houseexchange.org.uk](http://www.houseexchange.org.uk) for more details.

## Running a business from your home

You must apply to us in writing if you want to run a business from your house. We will want to know what kind of business you plan to run.

We will take into consideration whether your business will cause disturbance to your neighbours, for example, from noise, parking of additional vehicles.



## Making alterations to your home

You must get our written permission before you make any alterations or improvements to your home.

These alterations and improvements can include:

- ⇒ Altering, improving, or enlarging the home, or adding new fixtures or fittings (for example, kitchen or bathroom installations, central heating or other fixed heaters, double glazing or any kind of external aerial or satellite dish)
- ⇒ Putting up a garage, shed or other structure
- ⇒ Decorating the outside of the house
- ⇒ Fitting CCTV to your home - please speak to your Housing Maintenance Officer as there is legislation you need to take into account. You should read the advice available from Police Scotland before making an application.

We will not refuse permission unreasonably, but we may apply some conditions regarding the standard of work and who does the work. Please also read the leaflet '**Making improvements to your home**' for more information.

## What action will you take if someone breaks their tenancy agreement?

If you have broken any of the rules in your tenancy agreement, the Association can take action and your Housing Officer will visit and/or write to give you an opportunity to put the situation right. If you need support to help manage your tenancy, your Housing Officer can help arrange this for you.

If you continue to break the rules, we will serve you with a **Notice of Proceedings for Recovery of Possession**. This is the first legal step we take towards repossessing your home. The Notice gives you 28 days to start putting the situation right.

Your Housing Officer will keep in touch with you to give advice and guidance and to monitor the situation. If the situation is resolved, no further action will be taken. The Notice is valid for six months, so if you continue to break the rules of your tenancy, the Association will be able to take court action at any time during those six months.

If the problem continues, we can apply to the courts to resolve the situation. Ultimately, the Sheriff could decide that we can repossess your home and evict you, if you are breaking the rules of your tenancy. To do this, we have to prove to the Sheriff that you have broken the rules, and that it is reasonable for us to repossess your tenancy.

## When can the Association seek possession?

The Association may seek a Decree to repossess your property, if:

1. The rent is not paid or you have broken tenancy conditions;
2. You or anyone living with you has been guilty of nuisance, harassment, annoyance, in or around your home;
3. You or anyone living with you has been convicted of using, or allowing your home to be used for illegal or immoral purposes;
4. The condition of your home, any shared area, or furniture provided has deteriorated through the neglect of anyone living there;
5. You gave us false information to get your home.

**If you are evicted you may find it difficult to find somewhere else to live. The Highland Council may consider that you have made yourself homeless and will not re-house you.**

This is just a brief summary of the main grounds for possession and is not a complete guide to the law. If you want to know more about when we can repossess your tenancy, please ask your Housing Officer and also refer to the leaflet '**Notice of Proceedings for Recovery of Possession**'.



One of your conditions of tenancy is that you should live in the property as your main residence. If we suspect that you have abandoned your tenancy without telling us, we will try to contact you, your friends or relatives to try to find you and if we can't, we will leave a written Notice at your home asking you to contact us within 28 days.

If the property is not secure, we can forcibly enter it and make it secure. If you do not contact us, we can then take possession of your home by serving a second Notice without going to court and you will be responsible for the rent until we repossess the property.

If you suspect that a neighbour is no longer living at their property, do please contact your Housing Officer to let them know. They will be able to make enquiries about the tenant's whereabouts and welfare and ensure that the property is secure.



If you would like more information about your tenancy and your rights and responsibilities as a tenant, please contact your Housing Officer.



101 High Street  
Fort William  
PH33 6DG  
Telephone: 01397 702530

Useful Contacts

**My Home:**

Your online tenancy account to  
pay rent and access information  
24 hours a day

<https://myhome.lochaberhousing.org.uk>

**Allpay rent payment line:**

You can pay by debit card over the  
Telephone: 0844 557 8321

**Housing Benefit, Council Tax Benefit  
and Council Tax enquiries:**

Freephone: 0800 393811

**Lochaber Citizens Advice Bureau:**

Dudley Road, Fort William  
PH33 6JB

Telephone: 01397 705311

Freephone: 0808 800 4444



**Your Voice  
approved**

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