

# Change of Tenancy Procedure

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## Version Control

Date	Owner	Version	Reason for Change
May 2020	Fiona Ross	V4.0	Legislative Changes and 3 yearly review.

## Summary of Changes

Section	Change
2.0	Clarity about staff responsible for logging and processing. Removal of reference to mutual exchange process as this is now within the revised HM21 procedure New reference to the Sub-letting procedure HM25
3.1	Additional stage of undertaking a home visit
3.2	Clarity that we cannot accept verbal requests
4.0	Review to remove duplication
5.0	Removal of request to provide proof of income
Appendices	Updated to reflect change in text

# Change of Tenancy Procedure

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## 1.0 Introduction

This procedure describes ARK's processes for dealing with the following types of tenancy change:

- From a sole to a joint tenancy ;
- From a joint to a sole tenancy;
- Assignment (transferring the tenancy to an eligible named person);
- Succession (succeeding to the tenancy following the death of the current tenant).

The current tenant(s), or the eligible person in the case of succession, must apply in writing for our permission before any of the above tenancy changes can take place.

This procedure is one of a range that supports ARK's [Allocations Policy HM01](#).

## 2.0 Application Process

When we receive an enquiry from someone who wishes to apply for a tenancy change, the Housing Services Assistant (HSA) /Housing Administrator (HA) will send:

1. An application form (**Appendix 1**);
2. The relevant guidance leaflet (**Appendices 2, 3 and 4**);
3. A covering letter (**Appendix 5**).

Details of the actions for processing a Changes of Tenancy request through a sublet can be found in the **Subletting procedure HM25**.

**Following the 2019 review of the Allocation Policy and Procedures**, details of the action that is required when processing a Mutual Exchange Application can be found in **Allocation Procedure HM01a** and no further reference will be contained within this procedure.

The staff member opening the mail at Reception will date stamp the returned form(s) for collection by the HSA/ HA .

The HSA will log receipt of the application on the Capita system, check the form and any other information provided.

1. If the form is complete/correct, acknowledge receipt in writing within 2 working days (**Appendix 6**), **OR**
2. If the form is incomplete/incorrect, return it to the applicant with a covering letter explaining why it is being returned and the correction(s) or additional information require (**Appendix 7**).
3. Once all of the information is received and logged on Capita the HSA will pass to the Housing Services Officer (HSO) to make the decision about whether permission will be granted.

**It is important to ensure** that the initial logging, checking of the application form and sending of the initial response, are completed promptly. Under the Housing (Scotland) Act 2001 if we do not give a

final decision or an interim reply **within 28 days from date of receipt** of an application (for a sole/ joint tenancy or assignation) then we will be deemed to have approved the application.

Following receipt of a complete/correct application, the HSA will enter diary 'prompts' in to the HSO's diary to ensure that a decision is given within the 28 day deadline. For example, prompts may be entered at 14, 21 and 28 days.

Where more time and/or more information is needed and a final reply will not be possible within 28 days, the HSO will write to the applicant around day 21/22 to advise that additional time will be required, giving the reason(s) where applicable, e.g. waiting for a reply from a former landlord. Where possible an indication will be given of when a final reply will be sent.

## 3.0 Types of Tenancy Changes

### 3.1 Sole to Joint

Anyone over the age of 16 years may apply to become a joint tenant.

Where the applicant is the spouse or civil partner of the current tenant, they have a legal right to be listed as a joint tenant without a qualifying period.

However, under the Housing (Scotland) Act 2014, in all other circumstances, including carers and family members, there is a requirement that the applicant must be known by the Association to have lived in the property as their only home for a minimum of 12 months. This 12 month qualifying period will only begin once the Association is notified that they are living in the property.

The HSO will contact the existing tenant and proposed joint tenant to undertake a home visit. During this visit, the HSO will check the information given in the application form, ensure both persons are clear about their rights and responsibilities, as joint tenants, and check the condition of the property

Where the proposed joint tenant is (or has been within the last 3 years) a tenant of another landlord, the HSO will seek a reference from the other landlord (**Appendix 8**).

If the HSO is satisfied with all the information provided a letter will be sent approving the change and advising that arrangements will be made for them for them to sign a joint Tenancy Agreement (**Appendix 9**). The sole tenancy will be ended on Capita and a new joint tenancy record will be started.

### 3.2 Joint to Sole

In accordance with Section 13 of the Housing (Scotland) Act 2001, a joint tenant who wishes to end their interest in the tenancy may do so by giving 4 weeks notice in writing to ARK and to any other joint tenant (s).

There are no grounds for refusing such an application.

The notice may be by letter or by completing the Change of Tenancy form. ARK will not accept notice verbally.

Following receipt of a letter or form the HSO will respond in writing (**Appendix 10**). The letter will:

1. Confirm the date when their interest in the tenancy will cease (this date will be 4 weeks plus 2 days from the date of our letter, or at an earlier date if agreed);
2. Remind the terminating tenant of their legal responsibilities up to the end of their tenancy (and beyond, if appropriate);
3. Confirm the amount of rent and any other charges due by the termination date.

At the same time the HSO will write to the remaining tenant(s) (**Appendix 11**) to:

1. Advise them that we have been notified of the other tenant's intention to end their interest in the tenancy in 4 weeks;
2. Confirm the amount of rent and any other charges due by the termination date.

If there is difficulty in contacting the remaining tenant(s) the HSO will decide on the appropriate follow-up action, including initiating the Abandonment Procedure, HM29.

If the remaining tenant(s) wishes to continue with the tenancy the HSO will make arrangements for them to sign a new Tenancy Agreement after the 4 week notice period has ended. The joint tenancy will be ended on Capita and a new tenancy record will be started.

If the remaining tenant returns the form stating that they do not wish to continue with the tenancy the HSO will arrange for the tenancy to be terminated. The 28 days notice will start from the date the remaining tenant(s) completed the form.

The HSO will write to the remaining tenant(s) to confirm their termination date and advise that, if this is later than the date the first joint tenant's notice expires, then the remaining tenant will be responsible for the tenancy for the final period.

### 3.3 Assignment

A tenant may assign (transfer) their tenancy to a member of their household (this includes carers) if the following conditions are met:

- They must be, aged 16 or over;
- ARK must have been advised that they live in the property and their details are on the tenancy records;
- It has been their only or principal home for at least 12 months prior to submitting a Change of Tenancy form.

A tenancy can be assigned to a sole or to joint tenants. (This section assumes assignment to sole tenant).

Following receipt of a completed form the HSA will:

1. Acknowledge receipt within 2 working days (**Appendix 6**);

2. Enter diary prompts at e.g. 14, 21 and 28 days to ensure that a final or interim reply is sent within the 28 day statutory period;

The HSO will carry out the checks required to confirm that the proposed new tenant (assignee) satisfies the residential qualification, including:

1. Checking on whether we have a record of the assignee as a member of the household and they meet the qualifying criteria;
2. Check whether the existing tenant has rent arrears and/or other outstanding charges such as rechargeable repairs;
3. Check whether there is any record of anti-social behaviour on the part of the assignee.

As part of the checking process the HSO will visit the property. If the property is in a poor condition this may be a reason for refusing the application. The HSO may also advise the current tenant of any work they need to do before the tenancy can be assigned.

### 3.3.1 No record of the assignee

Where we do not have a record of the proposed assignee being part of the household the HSO will write to the tenant and advise that in accordance with Section 12(2) of the Housing (Scotland) Act 2014 the tenant has a responsibility to inform their landlord of all people resident in their property. As ARK has no record of assignee the application will be refused and will be issued with a letter to confirm this (**Appendix 12**).

## 3.4 Succession

If a tenant with a Scottish Secure Tenancy dies, there are rights for other members of the household, subject to certain conditions, to succeed to the tenancy.

The Housing (Scotland) Act 2014, Section 13 describes those who may qualify to succeed a tenancy on the death of the current tenant.

If the property is specially adapted, there are additional conditions.

### 3.4.1 General

The following members of the household can succeed:

- A husband, wife or civil partner;
- An opposite-sex or same-sex partner, provided they have lived with the deceased tenant for at least twelve months
- Another joint tenant;
- A member of the tenant's family aged at least 16 years where the house was the person's only or principal home [throughout the period of 12 months ending with] the tenant's death;
- A carer providing, or who has provided, care for the tenant or a member of the tenant's family where—

- (a) The carer is aged at least 16 years,
- (b) The house was the carer's only or principal home [throughout the period of 12 months ending with] the tenant's death, and
- (c) The carer had a previous only or principal home which was given up.

There are 3 levels of succession (See Guidance leaflet in **Appendix 4**).

Following the first tenant's death, a qualifying person may succeed to the tenancy of a standard property on two further occasions. After the third death the tenancy will normally cease. The tenancy may be succeeded to by a sole tenant or by joint tenants. The remainder of this section assumes that succession is by a sole tenant.

A qualifying person will succeed to the tenancy from the day following the death of the current tenant.

If the other member of the family has not been registered as living in the property for 12 months they would not be able to succeed the tenancy.

If there is a recorded history of anti-social behaviour consideration may be given to granting a Short Scottish Secure Tenancy in the first instance.

### 3.4.2 Specially Adapted Property

Where the property was designed or substantially adapted for a person with special needs the succession arrangements will differ from those for a standard property.

At the first death a qualifying person at level 1 may succeed to the tenancy, whether or not that person has any special needs.

However, the person succeeding the tenancy will be made aware at signing the tenancy that should there be an individual that requires the adapted property for their additional need they will have to end the tenancy at that property. ARK will ensure that the individual is rehoused in alternative accommodation.

At the second and third death a qualifying person will only succeed the tenancy if they have special needs requiring that type of accommodation.

### 3.4.3 Notification of death and arranging succession

As soon as we become aware of the death of a tenant the relevant HSO will seek to contact the remaining tenant/spouse/civil partner/co-habitee/family member, as appropriate, to confirm:

1. if there is a surviving joint tenant, that they wish to remain as the sole tenant;
2. if there is no surviving joint tenant, whether there is someone who qualifies to succeed to the tenancy;
3. if there is a qualifying person, whether or not they wish to succeed.



Following any checks etc, where it is clear that there is a qualifying person who wishes to succeed, the HSO will arrange for that person to complete the Change of Tenancy form.

Where there is no qualifying person the HSO will arrange for the tenancy to be terminated, implementing the procedure **Action on the Death of a Tenant HM27**.

#### 3.4.4 Appropriate use of the property

As part of the process the HSO will ensure that they take into account the appropriate use of the property, and that the property is not under occupied.

In this circumstance the HSO will suggest the option of moving to more appropriate accommodation, if available, and assist in identifying a suitable property.

#### 3.4.5 More than 1 qualifying person at level

At each level, if more than one person qualifies for, and wishes to succeed to, the tenancy they must decide amongst themselves who should succeed, **either** within 2 weeks of the current tenant's death **or** within 2 weeks of being notified of their eligibility to succeed.

Alternatively, two or more persons may agree to succeed as joint tenants.

If the qualified persons cannot agree within the 2 weeks timescale, the HSO will submit a recommendation to the Senior Housing Services Officer (SHSO) which will be discussed with the Head Of Housing Services (HoHS). This decision will be final.

#### 3.4.6 Offer of tenancy declined – other qualifying person available

Where a qualifying person at level 1 declines the tenancy the HSO will, within 2 working days of being notified, check if anyone qualifies under level 2, failing which level 3, and if anyone does qualify will write to advise the person(s) of their right of succession and ask that they confirm within 2 weeks of the date of the letter whether or not they wish to succeed (**Appendix 13**).

The HSO will follow the same process if anyone qualifying at level 2 declines and there is someone at level 3 who qualifies.

The HSO will make diary entries to ensure that replies are received within the required timescales.

### 3.4.7 No qualifying person after first tenant's death

If necessary, there are individuals living in the property but they do not meet the criteria to succeed the tenancy the HSO will write to all those living in the property to advise that they do not qualify and that they will have to vacate within 3 months at the latest (**Appendix 13**),

If the decision is that the property should be vacated, the HSO will provide the occupants with housing options information.

Where difficulties are experienced in gaining repossession of the property the HSO will agree with the HOHS what action should be taken, including legal action if necessary.

### 3.4.8 Tenancy declined – no other qualifying person

A qualifying person may choose not to succeed to a tenancy. To do so they must confirm their decision in writing within 4 weeks of the death of the tenant or within 4 weeks of the date of our letter notifying them of their right to succeed.

Irrespective of when written notification is received, a decision in writing to decline the tenancy will have the same effect as if it had been given at the date of the former tenant's death.

### 3.4.9 No record of potential successor

Where we have no record that the person wishing to succeed is a member of that household the HSO will contact them to advise that they will not be able to succeed the tenancy as they have not made ARK aware that they have been living in the property for at least 12 months.

If the person does not qualify the HSO will confirm this in writing (**Appendix 14**).

Further action will depend on whether there is another household member who qualifies and wishes to succeed, or whether the tenancy has terminated because there is no-one else who qualifies, or any other qualifying person does not wish to succeed.

### 3.4.10 Action following the third death

If the tenancy has already been succeeded twice, the third death will end it.

**The only exception to this rule is where there is a surviving joint tenant, whose tenancy will continue if they wish it to.**

If there is someone still living in the property who would otherwise have qualified to succeed, that person may continue to occupy the property for **up to 3 months** from the date of the last death.

The qualifying person will be responsible for paying an occupancy charge equivalent to the current monthly rent and any other charges due for the period they remain in the property.

Within 2 working days of being notified of the date of the last death the HSO will confirm in writing to the qualifying person the latest date they must vacate the property and their responsibilities while they remain.

The HSO will initiate arrangements to ensure that those remaining in the property are provided with housing options information to assist them securing alternative accommodation, which may involve liaising with other landlords in the area.

## 4.0 Granting or Refusing Permission

Within the various categories of tenancy changes, there may be occasions where we must refuse permission. Where necessary the HSO will carry out any additional checks required and/or discuss any potential reason for refusing the application with the SHSO.

Within the 28 day statutory period (or by the end of any extended period notified to the applicant) the HSO will submit their recommendation to approve or refuse the application to the SHSO by completing the relevant section of the Change of Tenancy form.

The SHSO will 'sign off' the recommendation by completing and signing the Form. Where the application does not meet our requirements, in particular where one or more of the conditions listed in paragraphs 4.1 – 4.3 applies, the application will be refused.

The HSO will advise the applicants of our decision in writing, and where appropriate of their right to appeal against refusal.

Where the application is approved the letter will include details of the arrangements for signing a new Tenancy Agreement and advise when the change of tenancy will take effect (**Appendix 6**). The HSO will ensure that the latest copy of our Tenant Handbook and any other relevant information is provided to the new tenant.

Where the change is not approved the letter will give the reasons and will advise that an appeal may be submitted, with details of who this should be submitted to. (**Appendix 16**). The HSO will carry out follow-up checks to check that the property is still occupied. If it appears that the property may not be occupied the HSO will start to make enquiries as detailed in the Abandonment procedure.

### 4.1 Sole to Joint tenancy

Permission to change to a joint tenancy will normally be given unless one or more of the following applies:

- Approving the application will result in the property becoming overcrowded;
- An Anti-Social Behaviour Order has been served on the proposed joint tenant;

**OR**

- The proposed joint tenant has a history of serious anti-social behaviour;

- Where the proposed joint tenant has previously been an ARK tenant elsewhere and there have been breaches of the Tenancy Agreement
- The existing tenant owes rent arrears equal to or greater than one month's current rent and/or other charges the tenant will be required to clear the arrears before a joint tenancy is approved.

## 4.2 Assignment

Permission to assign will normally be granted, unless any of the following grounds apply (from the Housing (Scotland) Act 2001):

- ARK has served a notice on the tenant warning that we may seek repossession of the property due to specified breaches of the Tenancy Agreement;
  - ARK has already obtained an order for repossession;
  - The assignment will result in overcrowding;
  - ARK intends to carry out work on the property (or on the building of which the property forms a part) which would mean that assignment will not be possible in the timescale proposed;
  - It has not been possible to confirm that the proposed assignee has lived in the property for at least 12 months;
- Approving the request would result in the inappropriate use of ARK's housing stock and the property would be under occupied according to our Allocations policy. Where this occurs we will seek to offer the proposed assignee suitable alternative accommodation as soon as possible, and they will be able to continue living in the property until re-housed under an occupancy agreement.;
- The existing tenant has outstanding rent arrears equal to or greater than one month's current rent;
  - The assignee has a history of serious anti-social behaviour;
  - An Anti-Social Behaviour Order (ASBO) has been served on the assignee;
  - The property is in a very poor condition of repair or redecoration and it is decided that the existing tenant must bring the property up to an acceptable standard before the tenancy can be assigned.

## 4.3 Succession

Following identification of a qualifying person who wishes to take on the tenancy, the HSO will write confirming they are now the tenant with effect from the date the former tenant died.

If the HSO has any concerns about the condition of the property, especially where it is felt that the new tenant may at a later stage ask us to carry out repairs and/or redecoration that should have been carried out by the deceased tenant, the HSO will arrange to carry out an inspection with a Maintenance Officer.

Following any such inspection, if necessary the HSO will arrange for the qualifying person to sign an 'Acceptance of Property Condition' form (**Appendix 14**). The original will be added to the house file and the new tenant will be given a copy. A qualifying tenant must make their decision within 4 weeks of the date of the death. If they decline, they have 3 months to vacate the property.

## 5.0 Appeals

Where an application for a joint tenancy, mutual exchange or assignation is not approved, the applicant will be advised in the letter refusing permission that they have the right to appeal against the decision and if they wish to do so they should write to the HoHS within 14 days of receiving our letter (**Appendix 15**).

A qualifying person may also appeal against a decision we make in dealing with the succession to a tenancy following the death of the tenant.

On receipt of an appeal the HOHS will:

- Acknowledge receipt within 2 working days, advising that a decision will be made and sent in writing within 1 month of the date of receipt of the appeal;
- Carry out any checks and enquiries necessary, including where appropriate meeting with the applicant(s) to discuss the application and the reason(s) for refusal.

**[NOTE:** Where the HoHS is absent, e.g. on leave, or was actively involved in the decision that is the subject of the appeal, the appeal will be passed to and dealt with the line manager of the HoHS].

Where the decision is to uphold the original refusal the HoHS (or Line Manager) will advise the applicant in their reply that if they are not satisfied with the way their appeal has been handled they may submit a complaint under our Complaints procedures, and will be provided with appropriate information.

## 6.0 Updating Records

The HSO (and colleagues where appropriate) will ensure that:

- The Capita system is updated with the required information at the relevant stages of each change of tenancy process;
- Change of Tenancy forms and any other relevant information, correspondence etc. are also added to the appropriate tenancy files(s).

Where there has been a change of tenancy approved the HSO will make the necessary arrangements for:

- The existing tenancy to be terminated at a specified date;
- A new tenancy (or joint tenancy) to be created from the day following the termination of the existing tenancy;
- A new Tenancy Agreement to be signed by the new tenant(s) in accordance with our tenancy sign-up procedures.

## 7.0 Implementation and Review

### 7.1 Implementation

The Head of Housing Services is responsible for ensuring that this procedure is implemented.

### 7.2 Review

The Head of Housing Services will ensure that this procedure is reviewed at least every 3 years.

## Appendix 1 – Change of Tenancy Application Form

### APPLICANTS' PERSONAL DETAILS

1.0 If we contact or visit you, do we need an interpreter or someone to help with communication?

YES ☐

NO ☐

If **YES**, what language or other help do you require?

--

2.0 Please give details of the person (s) whom is the tenant / joint tenant.

	APPLICANT	JOINT APPLICANT
Title		
First Name(s)		
Last Name		
Maiden name or Previous name(s)		
Date of Birth		
National Insurance Number		
Current address		
	Postcode:	Postcode:
Telephone number (including dialling code)		
Mobile number		
E-mail address		
Relationship to applicant		

3.0 Under the Housing (Scotland) Act 2014, the Asylum and Immigration Act 2004, and the Immigration (EEA) Regulations 2015, local authorities are required to establish whether a person qualifies for public assistance. Please complete the following sections, providing **written confirmation** where applicable:

	<b>APPLICANT</b>	<b>JOINT APPLICANT</b>
Is a UK resident	YES / NO	YES / NO
If NO, do you have indefinite leave to remain in the UK?	YES / NO	YES / NO
Do you have limited leave to remain in the UK?	YES / NO	YES / NO
Do you have refugee status in the UK?	YES / NO	YES / NO
Do you have humanitarian or discretionary leave to remain?	YES / NO	YES / NO
Do you have any restrictions on your recourse to public funds?	YES / NO	YES / NO
Are you a national of one of the EEA countries and a qualified person? ie. a worker, self employed, job seeker, student?	YES / NO	YES / NO
Are you the spouse or civil partner of a qualified person from one of the above listed EEA countries?	YES / NO	YES / NO
Staying in the UK on any kind of VISA?	YES / NO	YES / NO

4.0 Are you or anyone on this application required to be **REGISTERED** with the **POLICE** under the **SEXUAL OFFENCES ACT 2003**?

YES ☐ NO ☐

If **YES**, please give the full name of the person(s).

5.0 Please tell us if any of the following apply to you, or anyone on this application.

	<b>APPLICANT</b>	<b>JOINT APPLICANT</b>
Employed by ARK in the past 12 months	YES / NO	YES / NO



Is related to or friends with a member of staff working with ARK.	YES / NO	YES / NO
Is related to or friends with a Board member	YES / NO	YES / NO

If **YES**, please provide details below.

ARK Staff/ Board Member name	Relationship to you

6.0 Type of change: (see notes on page 11)

	<b>Tick one box</b>
1. From single to joint	<input type="checkbox"/>
2. From joint to single	<input type="checkbox"/>
	<input type="checkbox"/>

3. Assignment (passing the tenancy to someone else)	<input type="checkbox"/>
4. Succeeding to the tenancy following the tenant's death	

7.0 Please provide details of the person applying for a change of tenancy.

Title		
First Name(s)		
Last Name		
Maiden name or Previous name(s)		
Date of Birth		
National Insurance Number		
Telephone number (including dialling code)		
Mobile number		
E-mail address		
Relationship to applicant		
Date moved to this address		
Current address	Postcode:	Postcode:

8.0 For those completing Section 7 above if you have lived at your current address for less than **THREE** years please tell us where else you have lived. We need **THREE** years address history.

Dates	From:	To:
Address		

	Postcode:
Name of person(s) on the tenancy	
Landlord's Name	
Landlord's Address	
Reason for tenancy ending	

Dates	From:	To:
Address		
	Postcode:	
Name of person(s) on the tenancy		
Landlord's Name		
Landlord's Address		
Reason for tenancy ending		

Dates	From:	To:
Address		
	Postcode:	
Name of person(s) on the tenancy		

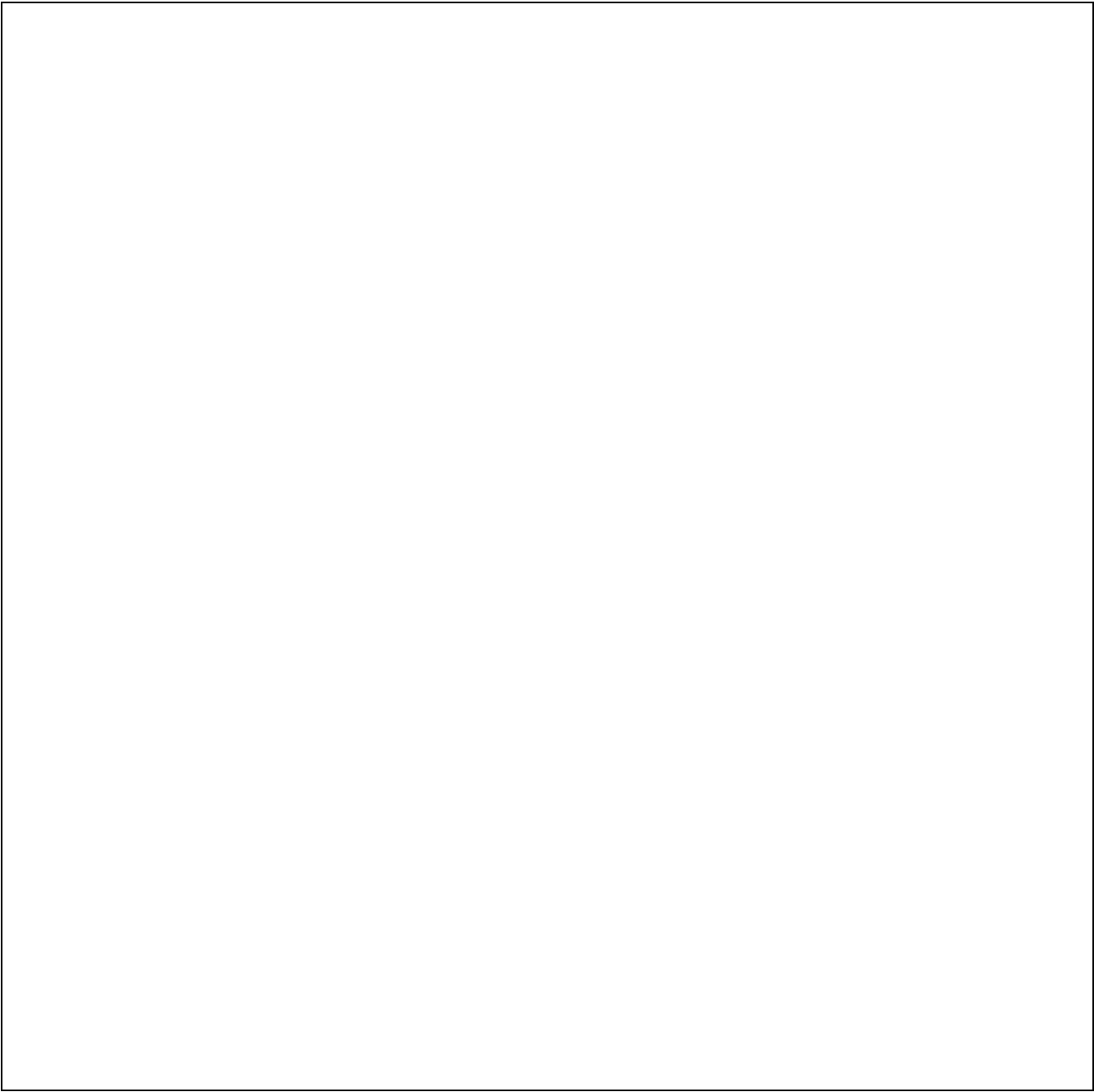
Landlord's Name	
Landlord's Address	
Reason for tenancy ending	

Please continue on an extra sheet if necessary.

9.0 Please give details of all the people who will live with you. Please include any children whom you have access arrangements for.

Name	Relationship to you	Date of birth	Sex	Does this person live with you now Yes / No	Child access Yes / No

10.0 Please tell us why you are applying for this change of tenancy. Please give us as much information as possible.



11.0 Under the Housing (Scotland) Act 2014, the Asylum and Immigration Act 2004, and the Immigration (EEA) Regulations 2015, local authorities are required to establish whether a person qualifies for public assistance. Please complete the following sections, providing **written confirmation** where applicable:

	<b>APPLICANT</b>	<b>JOINT APPLICANT</b>
Is a UK resident	YES / NO	YES / NO
If NO, do you have indefinite leave to remain in the UK?	YES / NO	YES / NO
Do you have limited leave to remain in the UK?	YES / NO	YES / NO
Do you have refugee status in the UK?	YES / NO	YES / NO
Do you have humanitarian or discretionary leave to remain?	YES / NO	YES / NO
Do you have any restrictions on your recourse to public funds?	YES / NO	YES / NO
Are you a national of one of the EEA countries and a qualified person? ie. a worker, self employed, job seeker, student?	YES / NO	YES / NO
Are you the spouse or civil partner of a qualified person from one of the above listed EEA countries?	YES / NO	YES / NO
Staying in the UK on any kind of VISA?	YES / NO	YES / NO

12.0 Are you or anyone on this application required to be **REGISTERED** with the **POLICE** under the **SEXUAL OFFENCES ACT 2003**?

YES ☐ NO ☐

If **YES**, please give the full name of the person(s).

13.0 Please tell us if any of the following apply to you, or anyone on this application.

	<b>APPLICANT</b>	<b>JOINT APPLICANT</b>
Employed by ARK in the past 12 months	YES / NO	YES / NO

Is related to or friends with a member of staff working with ARK.	YES / NO	YES / NO
Is related to or friends with a Board member	YES / NO	YES / NO

If **YES**, please provide details below.

ARK Staff/ Board Member name	Relationship to you

14.0 Please read through the following statements and sign at the bottom to show you understand and agree with them.

<input type="checkbox"/>	I/We are eligible to apply for housing with ARK HA Ltd.
<input type="checkbox"/>	I/We have read and understood the Fair Processing Notice and shared this with all relevant parties on my/our application.
<input type="checkbox"/>	I/We understand that the completion and return of this form does not guarantee an offer of housing by ARK HA Ltd.
<input type="checkbox"/>	I/ We will inform ARK HA Ltd of any changes in my/our circumstances.
<input type="checkbox"/>	My/Our current or former landlord(s) can be contacted for a reference.
<input type="checkbox"/>	I/We acknowledge that ARK HA Ltd may contact other parties, such as the Police/Local Authorities to seek additional information to support my application.
<input type="checkbox"/>	All information given by me/us to ARK is true. If I/We supply false information or keep back any information my/our application may be cancelled.
<input type="checkbox"/>	If I/We are given a tenancy because I/We have given false information or I/We have kept back information, I/We understand that I/We could lose the tenancy.

Signature of applicant	
Date	
Signature of joint applicant	
Date	

NOTES



- 1. Tick box 1 if you wish to stay as the tenant and add another member of your household to your tenancy agreement to form a joint tenancy.**
- 2. Tick box 2 if one of the joint tenants wishes to end their interest in the tenancy and the other tenant wishes to remain as a sole tenant.**
- 3. Tick box 3 if you want to end your tenancy and pass this onto a member of your household (who is not already a joint tenant).**
- 4. Tick box 4 if the current tenant has died and you are a 'qualifying' person as defined in the Housing Scotland (2001) Act and you wish to become the new tenant (succeed to the tenancy). *(Please provide a copy of the tenant's death certificate).***
- 5. Please also make sure that you have read any other information we have given you about assigning your tenancy or succeeding to a tenancy.**

**FOR OFFICE USE ONLY**

Notes of discussions etc. with applicant(s)
---

Received by	Name:	Date:
Checked by	Name:	Date:
Passed to Head of Housing Services on: (Date)		
Change of tenancy	<b>Approved/Not Approved*</b>	(*delete whichever does not apply)
Comments		
Signed	Head of Housing Services	Date:
Capita system updated on: (Date)		

## Appendix 2 – Guidance Notes on Change of Tenancy

### 1. Introduction

A tenant may have had a change in their personal relationship after initially signing a tenancy agreement with ARK.

If they have got married or entered into a civil partnership, and been a tenant with ARK for 12 months, the tenant can apply to ARK for a change from a sole tenancy to a joint tenancy.

If they have got separated or divorced, they may want a name taken off the tenancy. In such case both/all the tenants must agree to the joint tenancy ending.

### 2. What should I do?

The tenant and the potential joint tenant must have notified ARK that the person they wish to become a joint tenant is living in the house and has done so for the previous 12 months.

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.

If you meet these criteria, please complete the application form that has been sent to you.

Please enclose proof of the change, such as a marriage certificate.

### 3. If you give permission, what will happen next?

Ark will then arrange for the new tenant(s) the date when the joint tenancy will take effect or where it will change to a sole tenancy.

We will then arrange for the new tenant(s) to sign a new Tenancy Agreement.

### 4. Can you refuse my application?

Yes we can, but we will only refuse an application if we have reasonable grounds for doing so. Some of the reasons we might not approve your request are:

- We have served a notice on you warning that we may seek a decree for eviction because of specific breaches of your Tenancy Agreement, for example the non-payment of rent, or because of your conduct or the conduct of a member of your household.
- We have already obtained a court order for your eviction.
- You have outstanding rent arrears or other charges

- The proposed assignation will result in overcrowding, i.e. there will be too many people living in the property.
- It has not been possible to confirm that the proposed tenant has been known to the association to have lived in the property as their only or principal home for at least 12 months.
- The proposed joint tenant has a history of serious anti-social behaviour **OR** an Anti-Social Behaviour Order (ASBO) has already been served on them.
- It has not been possible to obtain all the information we need from you within the 28 days following your application.
- where, in the landlord's opinion, the transfer would result in the home being under occupied

## **5.. If you do not approve my application, can I appeal?**

Yes you can. We will tell you how you can do this in the letter giving our decision and the reasons for not approving your request.

## Appendix 3 - Guidance notes on Assignment

### ASSIGNING (TRANSFERRING) YOUR TENANCY—GUIDANCE NOTES

#### 1. Introduction

Assignment is where a tenant passes on (assigns) their tenancy & tenancy rights to another person (known as the assignee)

**A tenant of ARK has the legal right to assign their tenancy to another person, as long as consent is first sought from the association.**



Legislation relating to assignment has recently changed the condition for assigning a tenancy. Section 12 (2) of the Housing (Scotland) Act 2014 makes the following changes to the Housing (Scotland) Act 2001:

- The house must have been the tenant's only or principal home during the 12 months immediately before the tenant applies for written permission to pass their tenancy to someone else.

**Previously, there was no qualifying period**

- The person the tenant wishes to pass their tenancy to must have lived at the property as their only or principal home for the 12 months before they apply.

**Previously, the qualifying period was 6 months**

- The tenant, joint tenant or person they wish to assign their tenancy to must have notified the landlord 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 principal home.**

ARK wrote to all tenants before 1st November 2018 to advise all existing tenants of the changes to the legislation and the impact it would have on tenants and advised all tenants to ensure ARK had a record of all tenants living in the property.

To comply with the Housing (Scotland) Act 2014 and your Tenancy Agreement, you must apply in writing to assign your tenancy to someone else. We need certain information so that we can consider your application carefully. Please therefore complete the application form with all the information requested.

**We will send you a written reply within 28 days of receiving your application.**

## 2. What does my application need to contain?

- The name(s) of the current or joint tenants, details of the address & phone number etc. and a list of all those living with you in the property.
- The name(s) of the person(s) you wish to assign your tenancy to.
- Why you wish to assign your tenancy and if you will continue to live at the property (if not, please provide the address of where you will be living.)
- Any other information you think we need to know.



## 3. Who can I assign my tenancy to?

- You can assign your tenancy to anyone over the age of 16 years who has been listed as a member of your household for **at least 12 months**. The person (the assignee) must have lived at your address as their only or principal home.
- You can assign your tenancy to one person, who will be the new tenant, or to two people, who will be joint tenants, as long as they have lived with you for at least 12 months.

## 4. I am a joint tenant. Can I assign my share of the tenancy?

- Yes you can. You can assign your tenancy to the remaining joint tenant, who will then become the only tenant of the property. To do this, you do not need to complete the application form, but you must give us and the other joint tenant at least 4 weeks notice in writing that you wish to give up your share of the joint tenancy. We will then ask the other joint tenant to complete an application to change their tenancy from a joint tenancy to a single tenancy.
- You can also assign your share of the tenancy to someone who is not the other joint tenant, **but only with the agreement of the other joint tenant**. If you wish to do this you should discuss this with your Housing Services Officer and the other joint tenant before completing the application.

## 5. We are joint tenants. Can we both assign the tenancy?

- Yes you can, if you both complete the application form, and the person(s) you wish to assign the tenancy to qualify to become the tenant(s).

## 6. If you give permission, what will happen next?

- We will confirm our permission in writing and agree with you and the new tenant(s) the date when the assignation will take effect. We will then arrange for the new tenant(s) to sign a new Tenancy Agreement.

#### 7. Can you refuse my application?

- Yes we can, but we will only refuse an application if we have reasonable grounds for doing so. Some of the reasons we might not approve your request are:
  - ⇒ We have served a notice on you warning that we may seek a decree for eviction because of specific breaches of your Tenancy Agreement, for example the non-payment of rent or because of your conduct or the conduct of a member of your household.
  - ⇒ We have already obtained a court order for your eviction.
  - ⇒ You have outstanding rent arrears or other charges.
  - ⇒ The proposed assignation will result in overcrowding, i.e. there will be too many people living in the property.
  - ⇒ It has not been possible to confirm that the proposed assignee has been known to the association to have lived in the property as their only principal home for at least 12 months.
  - ⇒ Approving the request will result in a situation where the landlord (being a local authority or a registered social landlord) would not give the person the tenant wishes to pass the tenancy to reasonable preference under their allocations policy.
  - ⇒ The proposed assignee has a history of serious anti-social behaviour **OR** an Anti-Social Behaviour Order (ASBO) has already been served on them.
  - ⇒ It has not been possible to obtain all the information we need from you within the 28 days following your application.
  - ⇒ Your property is in a very poor condition of repair or decoration and we decide that you must bring the property up to an acceptable standard before you can assign the tenancy.
  - ⇒ If, in the landlord's opinion, the assignation would result in the home being under occupied.

#### 8. If you do not approve my application, can I appeal?

- Yes you can. We will tell you how you can do this in the letter giving our decision and the reasons for not approving your request.

We hope these guidance notes are helpful to you. If you have any other questions, please contact your Housing Services Officer.

TEL: 0131 448 8146

E-MAIL: [housing@arkha.org.uk](mailto:housing@arkha.org.uk)





## Appendix 4 – Guidance Notes on Succession

### SUCCEEDING TO A TENANCY—GUIDANCE NOTES

#### 1. Introduction

- If you die, your Scottish secure tenancy can be taken over by another member of the household. This is called succession.



#### 2. Who can succeed to a tenancy?

- Your Scottish secure tenancy can be succeeded to by:
  - ⇒ Your husband, wife or civil partner
  - ⇒ An opposite-sex or same-sex partner, provided they have lived with you for at least **12 months**
  - ⇒ Another joint tenant
- If you don't have a partner or joint tenant, or if they choose not to succeed, another member of your family can succeed to your Scottish secure tenancy **if they have lived with you for 12 months at the time of your death**

#### 3. Are there any conditions?

- Section 13 of the Housing (Scotland) Act 2014 amends schedule 3 to the Housing (Scotland) Act 2001. It introduces a new 12 month qualifying period and notification requirement before certain categories of persons become 'qualified persons' and have the right to succeed to a Scottish secure tenancy on the death of the tenant (previously the only qualifying period was a 6 month qualifying period in the case of partners).
- There continues to be no qualifying period under the new provisions for the tenant's spouse, civil partner or joint tenant, provided (in all 3 cases) that the person's only or principal home was the house in question at the time of the tenant's death.
- A person falling within the following categories are qualified persons where the house has been their only or principal home throughout the 12 months ending in the tenant's death:
  - ⇒ Partners (cohabitants of either sex and including same sex cohabitants)
  - ⇒ Members of the tenant's family aged 16 or over
  - ⇒ Carers aged 16 or over who have given up a previous only or principal home.
- Under the new provisions, to have a right to succeed to a tenancy after living in the house for 12 months, the 'qualifying person' or the tenant must also have notified their landlord that the person wishing to succeed to the tenancy is living in the house and that the house is that person's only or principal home. The 12 month qualifying period does not start until that notice has been given. The tenant (or any one of joint tenants) or the person who has moved into the house are responsible for notifying the landlord that the person has moved in.



**4. How many times can a tenancy be succeeded to?**

- The tenancy can only be inherited twice. If the tenancy has already been inherited twice, the third death will normally end the tenancy.

**5. What happens if the person who succeeds after the second death then dies?**

- The third death will normally mean that the tenancy will end and anyone in the house will have to leave after a further 6 months, at the latest.

**6. Can two people apply to succeed as joint tenants?**

- Yes, if they both qualify under one of the levels listed in section 2 above.

**7. What happens if there are two people who qualify at the same level?**

- **As of 1 November 2019, there are new notification and residency requirements** that have to be met for someone to inherit your tenancy and these are set out for the various levels below.

**Level One**

- Your spouse, civil partner or co-habitee if the house was their only or principal home on your death, **OR** a joint tenant, if the house was his or her only or principal home on your death.
- In the case of a co-habitee, he or she must also have occupied the house as his/her only or principal home for at least 6 months immediately before your death.
- **As of 1 November 2019**, a co-habitee must also have occupied the house as his/her only or principal home for at least 12 months immediately before your death.
- The 12 month period cannot begin unless we have been told that the individual is living in the property as their only or principal home. We must have been told that by you, a joint tenant, or the person who wishes to succeed to the tenancy.
- The length of time they have been living in the property starts from the date we are notified that the person is living in the property as their only or principal home.
- You can give us notice of someone living with you before 1 November 2019 and that time will count towards the length of time they have been living at the property.
- If more than one person qualifies for the tenancy under Level One, they must decide among themselves who should get the tenancy. If they cannot agree, we will decide.



#### Level Two

- If no-one qualifies at Level One, or a qualified person does not want the tenancy, it may be inherited by a member of your family as long as:
  1. He or she is aged at least 16 at the date of death
  2. The house was his or her only or principal home at the date of death.
- **As of 1 November 2019** the member of your family must have occupied the house as his/her only or principal home for at least 12 months immediately before your death to qualify to succeed to the tenancy.
- The 12 month period cannot begin unless we have been told that your family member is living in the property as their only or principal home. We must have been told that by you, a joint tenant, or the person who wishes to succeed to the tenancy.
- The length of time they have been living in the property starts from the date we are notified that the person is living in the property as their only or principal home.
- You can give us notice of someone living with you before 1 November 2019 and that time will count towards the length of time they have been living at the property.
- **If more than one person qualifies for the tenancy under Level Two, they must decide among themselves who should get the tenancy. If they cannot agree, we will decide.**

#### Level Three

- If no-one qualifies at Level One or Level Two, or a qualified person does not want the tenancy, it will be inherited by a carer as long as:
  1. He or she is aged at least 16 at the date of death
  2. The house was his or her only principal home at the date of death
  3. He or she gave up another only or principal home before the death of the tenant
  4. He or she is providing , or has provided care for the tenant or a member of the tenant's family
- **As of 1 November 2019** the carer must have occupied the house as his/her only or principal home for at least 12 months immediately before your death to qualify to succeed to the tenancy.
- The 12 month period cannot begin unless we have been told that the carer is living in the property as their only or principal home.
- We must have been told that by you, a joint tenant, or the carer who wishes to succeed to the tenancy.
- You can give us notice of someone living with you before 1 November 2019 and that time will count towards the length of time they have been living at the property.
- **If more than one person qualifies for the tenancy under Level Three, they must decide among themselves who should get the tenancy. If they cannot agree, we will decide.**

**8. How long will you take to finalise the succession?**

- Our aim will be to complete the arrangements within 28 days at the latest. However, if we need additional information and it will take longer than a month for this to be available we will tell you, and give you an estimate of when we think we will be able to give you a decision.

**9. Can you refuse my application?**

- Under The Housing (Scotland) Act 2014 if the **person applying to succeed the tenancy** does not meet the qualifying person criteria ARK can refuse the application.
- If the qualifying person has a recorded history of anti-social behaviour we may not approve a full Scottish Secure Tenancy, but offer you a Short Scottish Secure Tenancy for 6 months in the first instance. We would discuss the reasons for doing this fully with you before going ahead.

**10. What happens if I am living in an adapted property?**

- If the house was designed or substantially adapted for a person with special needs, no person will qualify under level two or three above unless that person has special needs requiring the type of accommodation in the house.

We hope these guidance notes are helpful to you. If you have any other questions, please contact your Housing Services Officer.

TEL: 0131 447 9146

E-MAIL: [housing@arkha.org.uk](mailto:housing@arkha.org.uk)



## Appendix 5 – Cover Letter for Change of Tenancy

<<*Date*>>

<<*Name*>>

<<*Address1*>>

<<*Address2*>>

<<*Postcode*>>

Dear <<*salutation*>>

### **Change of Tenancy**

Following your recent enquiry I enclose a copy of our Change of Tenancy form and, where appropriate, guidance notes on the type of change you have asked about.

If there are guidance notes enclosed please read these carefully before completing the Change of Tenancy Form. If you have any questions about the information, or about completing the Form, please contact me as soon as possible.

Yours sincerely,

**HSA**

Housing Services Assistant

Contact Number

Email Address

## Appendix 6 – Acknowledgement Letter for Change of Tenancy

<<**Date**>>

<<**Name**>>

<<**Address1**>>

<<**Address2**>>

<<**Postcode**>>

Dear <<**salutation**>>

**Change of Tenancy - <<property address>>**

Thank you for the Change of Tenancy Form which was received by us on <<**date**>>.

Your request will be considered as quickly as possible and I will be in touch with you to discuss your application in the near future.

I will let you know our decision within 28 days at the latest.

Yours sincerely,

**HSA**

**HSA Name**

## Appendix 7 – Missing Information Letter

<<*Date*>>

<<*Name*>>

<<*Address1*>>

<<*Address2*>>

<<*Postcode*>>

Dear <<*salutation*>>

**Change of Tenancy - <<*property address*>>**

Thank you for the Change of Tenancy form which was received by us on <<*date*>>.

Unfortunately I am not able to consider your application as the form you have sent me is not complete. The information I require is as follows:

**<<*list details/information required*>>**

I enclose your the form. Please complete it with the details required and send it back to me as quickly as possible, so that I may consider your request.

We have to reply to your application within 28 days of receiving it, at the latest. The 28 days will start from the date we receive the completed form back from you.

If you have any questions about the information I need, please contact me at the address above.

Yours sincerely,

<<*HSA name*>>

Housing Assistant

## Appendix 8 – Landlord Reference Request

Our Ref : Ref

Landlord's name

Address

Address

Address

Postcode

Date

Dear Sir/Madam

**PROPOSED TENANCY CHANGE:** Names & Addresses of both applicants

ARK Housing Association has received an application from one of our tenants, Name(s), to carry out a change of tenancy.

To help us in assessing this application, could you please complete the enclosed tenancy reference form in respect of your tenant. An early reply would be appreciated to enable us to respond to the application within the 28-day statutory time-limit.

Any information supplied will be treated in confidence.

If you have any enquiries regarding this matter, please do not hesitate to contact me.

Yours faithfully

HSO Name

Housing Services Officer

# TENANCY REFERENCE FORM

NAME:	
ADDRESS:	
DATE OF BIRTH:	

## A TENANCY DETAILS

**A1** Is the above named the tenant(s) of the household?

**A1b** Please confirm members of the household are:

Name	Date of Birth	Relationship to Tenant	NI Number

**A2** On what date did their tenancy start?

\_\_\_\_\_

**A3** Please state the type of tenancy in place.

## Scottish Secure Tenancy

11

## Short Scottish Secure Tenancy

11

Other type of tenancy (please detail)

\_\_\_\_\_

**A4** Please list below the members of the tenant's household who will be getting re-housed with them:

[illegible]



## **B PAYMENT AND ARREARS**

**B1** What is the rent charge?  Weekly / fortnightly / monthly

What is the service charge?  Weekly / fortnightly / monthly

What is the housing benefit entitlement?  Weekly/ fortnightly / monthly

**B2** Has the Tenant any outstanding arrears of rent or service charge?

YES  If yes go to QB2

NO  If no go to QB8

**B3** How much is outstanding?

**B4** Are you aware of any reason for the arrears? If so please provide details below.

**B5** Has any agreement been made with the Tenant to clear these arrears?

YES  If yes go to QB6

NO  If no go to QB8

**B6** If YES, what date was this agreement made and what is the nature of the agreement?  
(Please detail).

**B7** If applicable, has payments been adhered to for at least 3 months and still ongoing?

YES  QB10

NO  Please detail below

**B8** Has a notice of proceedings had been issued or court action ever been taken against the tenant for rent/service charge arrears within the last two years?

YES ☐ QB9

NO ☐ QB10

**B9** Action taken & outcome (please detail).

**B10** Has the tenant any outstanding Rechargeable Repairs invoices

YES ☐ QB11

NO ☐ QC1

**B11** If YES, how much is due?

**B12** Please detail below the reason for the rechargeable repairs?

**B13** Has any agreement been made with the Tenant to clear these invoices?

YES ☐ QB14

NO ☐ QC1

**B14** Nature of agreement (please detail).

**B15** Has the agreement been in place for 3 consecutive months or more and being adhered to?

YES ☐ QC1

NO ☐ Please provide details below

## **C TENANCY AGREEMENT**

**C1** Has the tenant or any members of their household or anyone visiting acted in anti-social manner or pursued a course of conduct amounting to harassment?

YES	<input type="checkbox"/>	QC
NO	<input type="checkbox"/>	QC

**C2** Please detail:

Nature of Problem:

*Action taken (including verbal warnings, written warnings, etc.)-*

*Outcome -*

**C3** Has any anti-social behavior by the Tenant or the Tenant's family or visitors to the house ever resulted in police involvement?

YES	<input type="checkbox"/>	QC
NO	<input type="checkbox"/>	QC

**C4** Please detail the nature of the action and the outcome.

--

**C5** Has an Anti-Social Behavior Contract been entered into?

YES	<input type="checkbox"/>	QC6
NO	<input type="checkbox"/>	QC7

**C6** Please detail the date this was entered into and the nature of the contract.

--

**C7** Has an Anti-Social Behavior Order been granted against the tenant?

YES


QC8

NO

QC9

**C8** Please detail the date this was entered into and the nature of the order.

--

**C9** Has the Tenant ever been served with an abandonment notice?

YES


QC10

NO

END

**C10** Please state the date(s) served and the outcome

--

Name of person completing reference: \_\_\_\_\_

Signature of person completing reference: \_\_\_\_\_

Contact Tel No in case of queries:  
\_\_\_\_\_

Date of completion: \_\_\_\_\_

Your assistance in completing this reference form is greatly appreciated.

## Appendix 9 – Approval of Sole to Joint Application

<<**Date**>>

<<**Name**>>

<<**Address1**>>

<<**Address2**>>

<<**Postcode**>>

Dear <<**salutation**>>

**Application for a Joint Tenancy - <<property address>>**

I am pleased to confirm that your application to change from a sole tenancy to a joint tenancy with <<**proposed joint tenant name**>> has been approved.

As discussed, you now need to sign a new Tenancy Agreement and I will be in touch in the near future to arrange for this to be done.

If you have any questions about this letter, please contact me at the address above.

Yours sincerely,

<<**HSO name**>>

Housing Services Officer

## Appendix 10 – Termination of Joint Tenancy

<<**Date**>>

<<**Name**>>

<<**Address1**>>

<<**Address2**>>

<<**Postcode**>>

Dear <<**salutation**>>

TERMINATION OF TENANCY - <<enter address>>

Thank you for your notice that you wish to end your tenancy, received on <<enter date>> received.

Under the terms of your Tenancy Agreement, your tenancy will end on <<28 days plus 2 days from date notice received>>.

Please be aware that you are still liable for your tenancy at the above address until the termination date.

The balance that you will be due to ensure your rent account is clear when the tenancy ends <<enter balance due up to termination date>>

If you have any questions please do not hesitate to contact me.

Yours sincerely,

<<**HSO name**>>

Housing Services Officer

## Appendix 11 – Letter to other Joint Tenants

<<**Date**>>

<<**Name**>>

<<**Address1**>>

<<**Address2**>>

<<**Postcode**>>

Dear <<**salutation**>>

### **Termination of Joint Tenancy - <<property address>>**

I have received written notice from <<**terminating tenant name**>> that <<**he or she**>> wishes to end their interest in the tenancy at the above address.

Taking into account the 4 weeks notice that has to be given to us, the proposed termination date of the joint tenancy will be <<**termination date**>>.

You also have to be given 4 weeks notice of the ending of the joint tenancy. Please take this letter as formal notification that <<**terminating tenant name**>> intends to end their interest in this tenancy with effect from <<**termination date**>>.

Until the termination date both of you will continue to be liable for all the obligations under your Tenancy Agreement, including any outstanding rent or other charges due.

If you have not already done so, please let me know as soon as possible if you wish or do not wish to remain as the sole tenant of the above property by completing and returning the enclosed form in the envelope provided. I will be in touch with you again to follow up on your decision.

If you have any questions about this letter, please do not hesitate to contact me to discuss further.

Yours sincerely,

<<**HSO name**>>

Housing Services Officer

## Appendix 12 - Assignment Refusal Letter

<<Date>>

<<Name>>

<<Address1>>

<<Address2>>

<<Postcode>>

Dear <<salutation>>

### **Application for Assignment of Tenancy**

Thank you for your application received <<enter date received>> having reviewed your application I regret to inform you that on this occasion we are not able to grant permission for you to assign the tenancy at <<enter address >> to <<enter proposed assignee>>.

The reason we have not been able to permit the assignment is due to <<enter proposed assignee>> not being registered as living at your address. Section 12(2) of the Housing (Scotland) Act 2014 Act states:

- the person the tenant wishes to pass their tenancy to must have lived at the property as their only or principal home for the 12 months before they apply;
- the tenant, joint tenant or person they wish to assign their tenancy to must have notified the landlord 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.

Taking the above into consideration, as you have not notified ARK that <<enter proposed assignee>> has been living in your property we are legal obliged to refuse the assignment.

Should you wish your household details to be updated provide me with the updated information and I can make arrangements to make the changes.

If you require any further information or wish to discuss further please do not hesitate to contact me.

Yours Sincerely

<<HSO name>>

Housing Services Officer



## Appendix 13 – Succeeding to the Tenancy

[enter name]  
[enter address1]  
[enter address2]  
[enter address3]  
[enter address4]  
[enter postcode]

[enter todays date]

Dear Salutation

### **SUCCEEDING TO THE TENANCY OF [Property address]**

Following our recent discussion, I am writing to let you know that [qualifying person's name]who was eligible to succeed to the tenancy at the above address, has decided that they do not wish to be the new tenant.

I am writing to confirm that under the Housing (Scotland) Act 2001 you are also eligible to succeed to this tenancy.

Please let me know your decision as soon as possible by completing the attached form and returning it to me in the envelope provided.

While it would be helpful to know your decision as soon as possible, you have up to 4 weeks from the date of this letter to decide what you wish to do and to let me know.

If you have any questions about succeeding to this tenancy or about anything else in this letter please contact me at our office.

Yours sincerely

HSO name  
Housing Services Officer

To: ARK Housing Association

**Property**

**address:**

\_\_\_\_\_

**Tick whichever box applies:**

**I wish to succeed to the tenancy at the above address**

☐

**I do not wish to succeed to the tenancy at the above address**

☐

**Name (*please print*)** \_\_\_\_\_

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

*Please either hand this form into our office or return it in the envelope  
provided  
as soon as possible, and by [date] at the latest.*

## Appendix 14 – No qualifying person to succeed

Our Reference:

[enter name]  
[enter address1]  
[enter address2]  
[enter address3]  
[enter postcode]

[enter todays date]

Dear Salutation

### **TENANCY OF [Property address]**

Following our recent discussion I am writing to confirm that, following the death of [former tenant's name] there is no member of the household who qualifies to succeed to the tenancy.

I am writing therefore to give you formal notice that you will have to leave this property within 3 months at the latest, i.e. by <<\*>>. Where appropriate, a copy of this letter has been sent to any other 'qualifying persons' currently living at this address, to let them know that they will also have to leave the property within 2 weeks.

Until you leave, you will be responsible for ensuring that an occupancy charge of £[amount] per month continues to be paid, and for looking after the property as if you were the tenant. We will also be responsible for all our duties to you as your landlord.

We may be able to help you in finding a new home and if you wish to be considered for re-housing by us, please contact me without delay.

If you wish to appeal against this decision, you should do so within 7 days of the date of this letter, i.e. by (7days date)at the latest. Please write to Fiona Ross, Head of Housing Services at the address below, giving full details of the reasons for your appeal.

Yours sincerely,

HSO name  
Housing Services Officer

## Appendix 15 – Accepting Condition of Property

To: ARK Housing Association

Property address: \_\_\_\_\_

I wish to succeed to the tenancy at the above address.

I confirm that I will accept the property in its current condition.

I agree that I will carry out the repairs/redecoration that are my responsibility as the tenant, as listed on the attached sheet. *[Delete if not applicable]*

Name *(please print)* \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

## Appendix 16 – Refusal and Appeal

<<*Date*>>

<<*Name*>>

<<*Address1*>>

<<*Address2*>>

<<*Postcode*>>

Dear <<*salutation*>>

**Application for \*\* - <<*property address*>>**

I refer to your application to \*\*

We have carefully considered your application, but I have to advise you that on this occasion it has not been approved.

This is because <<*details of reason(s)*>>

You have the right to appeal against this decision. If you wish to appeal, please write to Fiona Ross, Head of Housing Services, within 2 weeks of the date you receive this letter. Your appeal should give the reasons why you think our decision should be reconsidered.

You also have the right to submit another application to \*\* at any time, in particular if one or more of the reasons we have given for not approving your application this time no longer applies.

If you wish to discuss this matter please contact me at the address below.

Yours sincerely,

<<*HSO name*>>

Housing services Officer