

Tenancy Rights



This document tells you about changes to your Scottish Secure Tenancy Rights as a result of the Housing (Scotland) Act 2014.

Your Household / Changes To Your Household and Tenancy Rights.....

One of the most significant changes under the Housing (Scotland) Act 2014 is the importance of letting us know who is living in your household. This includes anyone who has already moved in or out of your home.

This is very important because any decision about subletting, assignation, joint tenancy or succession will be based on whether we have a record of you and/or the applicant living in the property for a minimum of 12 months.

There is a **12-month qualifying period** before you can apply for permission to make any substantial changes to your tenancy, AND the 12-month qualifying period only begins on the day we receive **written notification from you of any changes**.

The 12-month qualifying period will begin on the day you let us know.

For example, if you notify us in writing on the 5 November 2019, the 12-month qualifying period will end on the 5 November 2020. If you notify us in writing on 5 April 2020, the 12-month qualifying period will end on the 5 April 2021.

To update your household please complete submit this in writing to Calvay Housing Association Ltd, 16 Calvay Road, Barlanark, Glasgow, G33 4RE, Or email us at enquiries@calvay.org.uk

Transferring Your Tenancy To Someone Else (Assignation)

You may wish to move out of your property, and pass your tenancy to a member of your household who already lives with you.

Before you can do this, both you AND the person you wish to pass the tenancy to must have lived in the property as your only or principal home during the previous 12 months before you apply to assign your tenancy.

The 12-month period only starts when we receive **written notification from you** that the other person is living in the property as their only or principal home.

We can refuse permission to assign a tenancy if we have reasonable grounds to do so. The 2014 Act provides two new reasons under which permission to assign a property can be refused:

- Where the person being passed the tenancy would not get priority under our Allocations Policy.
- If the home would be under occupied.

Subletting Your Property

You may wish to sublet all or part of your home to someone else on a temporary basis. You need our consent to do this.

Before you apply for consent to sublet your property, you must have been the tenant of the house throughout the 12 months immediately before you apply to sublet.

We can refuse to give permission for you to sub-let your property if we have reasonable grounds to do so.

Applying To Add A Joint Tenant To Your Tenancy Agreement

You may have a new partner or family member who you wish to become a joint tenant with you. You need consent from us if you wish to add a joint tenant to your tenancy agreement.

Proposed joint tenants will need to have lived at the property as their only or principal home for 12 months before you apply for them to become a joint tenant.

The 12-month period only starts when we receive **written notification from you** that the proposed joint tenant is living there, and you wish to apply to add them as a joint tenant.

Taking Over a Tenancy After the Tenant's Death (Succession)

You may have people living with you who are not joint tenants, who you may wish to take over the tenancy after you die. This could be an unmarried partner, family member or carer.

To protect their right to 'succeed to your tenancy', you must **tell us in writing** that the person you wish to take over your tenancy has moved in with you at the time they do so. If someone has already moved in and you have not told us, it may affect their right to succeed to your tenancy.

To succeed to your tenancy if you die, any person who is not your lawful spouse or civil partner must have lived in the property as their only or principal home for at least 12 months immediately prior to the tenant's death.

The 12-month period only starts when we receive **written notification from you** that the other person is living in the property as their only or principal home. **This is very important if someone else has given up their own home to care for you.**

Ending a Scottish Secure Tenancy by Court Order – Conviction of a Crime / Serious Antisocial Behaviour

Committing serious antisocial behaviour or certain crimes are a breach of your tenancy agreement and can lead to your eviction.

If you, or anyone living with you in the property or anyone visiting the property, are convicted of using the house or allowing it to be used for immoral or illegal purposes, or of an offence punishable by imprisonment committed in or in the locality of the property, we are entitled to seek a court order to evict you from your home.

Before we start the court action for eviction, we will serve a **Notice of Proceedings** on you. You have a right to challenge that decision.

From 1 May 2019, the Housing (Scotland) Act 2014 made this process easier by removing the need for the Court to consider whether it is “reasonable” to make an order for eviction where we are using this ground for eviction.

The court will be required to grant the eviction order if we have served the Notice of Proceedings within twelve months of the date of the conviction (or within twelve months of the conclusion of an unsuccessful appeal against the conviction).

Conversion to a Short Scottish Secure Tenancy for Antisocial Behaviour

In certain circumstances, we can change your tenancy agreement to a different type of tenancy agreement called a Short Scottish Secure Tenancy (SSST) agreement, which gives you fewer rights and less protection from eviction than a Scottish Secure Tenancy (SST).

From 1 May 2019, these circumstances now include any situation where a tenant or someone living with the tenant has acted in an antisocial manner in or around the property. If we choose to convert your tenancy we will serve a Notice on you which will detail the actions of the person who has behaved in an antisocial manner and our reasons for converting the tenancy.

You will have the right to appeal the conversion to the Sheriff Court.

Adapted Properties

Some properties are designed or adapted to meet the particular needs of a tenant or a person living with the tenant. Sometimes that person moves to a different property or dies.

From 1 May 2019, we are able to apply to the Court to recover the property if it is not being occupied by anyone who needs the adaptations. We would only do this if we need the property for someone who needs the adaptations. We would give you notice before applying to the court to do this and we would offer you suitable alternative accommodation. You would be able to ask the Court to consider whether our actions were reasonable and challenge the suitability of the alternative accommodation.