

Important Changes to your Tenancy Agreement

The tenancy agreement you have with Bield Housing & Care is a Scottish Secure Tenancy (SST) agreement.

Scottish Secure Tenancy Rights will be changed by the Housing (Scotland) Act 2014.

This leaflet tells you about the changes to your rights under your tenancy agreement and what you need to do to protect your tenancy rights.

Keep this leaflet in a safe place in case you need to refer to it.



If you need more information on how any of these changes affect you, please do not hesitate to contact us. You may also seek independent advice about changes to your Scottish Secure Tenancy.

Telling us about changes to your household

To ensure that your tenancy rights are protected it is very important to ensure that we have accurate information about who is living in your house and that you advise us of any changes to your household.

If you do not tell us in writing that someone is in your property they will not be eligible to become a joint tenant, you will not be able to seek permission to transfer your tenancy to them (assign the tenancy) nor will they be entitled to take over the tenancy if you die (succeed).

If you are unsure about whether or not you have told us about any changes, please let us know now.

It is extremely important that you let us know immediately in writing if there are any changes in the future. You can do this by contacting your Housing Officer or by writing to, or calling us at, one of our area offices.

Edinburgh Office: 79 Hopetoun Street · Edinburgh · EH7 4QF · Tel: 0131 273 4000

Glasgow Office: Craighall Business Park · 7 Eagle Street · Glasgow · G4 9XA · Tel: 0141 270 7200

Dundee Office: 1 Bonnet Hill Gardens · 1 Caldrum Terrace · Dundee · DD3 7HB · Tel: 01382 228 911

When you notify us of any changes, we will write to you to acknowledge receipt.

A summary of the changes are:

From 1 May 2019

- ◇ There are additional new grounds for how a Scottish Secure Tenancy can be ended, or changed, if there has been serious anti-social behaviour or criminal offence in, or around, your property.
- ◇ We will be entitled to seek a court order to end a tenancy of an adapted property that is not being occupied by anyone who needs the adaptation. In these circumstances we will offer you suitable alternative accommodation and you would have the right to challenge the decision.

From 1 November 2019

Significant changes will be introduced to the rules which govern the following situations:

- ◇ adding someone to your tenancy (joint tenant)
- ◇ transferring your tenancy to someone else (assign your tenancy)
- ◇ subletting your property
- ◇ who can take over your tenancy after you die (succession)

Members of your household (including family members and carers) will be subject to a new 12-month qualifying period in connection with these changes. The qualifying period will only begin once we have received notification from you in writing that they are living there.

It is important that you let us know in writing by no later than 1 November 2018 of changes that have already happened so that when the law changes on 1 November 2019, you are still able to make the changes to your tenancy listed above. **This is particularly important if someone has given up their own home to move in with you to care for you.**

All of these changes are explained in more detail overleaf.

May 2019

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 will make 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).

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 will be 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.

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 will 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.

November 2019

Changes to your household and tenancy rights

From 1 November 2019, new rules mean that there will be 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**.

To protect your tenancy rights, it is important that you **let us know in writing**, by no later than 1 November 2018, of changes that have already happened.

It is important that you tell us immediately of any change which occurs after 1 November 2018.

This is particularly important if someone has given up their own home to move in with you to care for you.

If you let us know after 1 November 2018, the 12-month qualifying period will begin on the day you let us know.

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.

From 1 November 2019, 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.

Transferring your tenancy to someone else (Assignment)

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

From 1 November 2019, 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.

Subletting your property

You may wish to sublet all or part of your home. You need our consent to do this.

From 1 November 2019, 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.

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 after 1 November 2019, 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.

If you need more information on how any of these changes affect you, please do not hesitate to contact us. You may also seek independent advice about changes to your Scottish Secure Tenancy.