

Assignment of tenancy



What is assignation of tenancy?

Assignation is the legal term used to describe the voluntary transfer of all your rights and responsibilities under your tenancy to another person. This person is known as an assignee.

The assignee takes over the tenancy and becomes the tenant from an agreed date, and takes over your tenancy rights and responsibilities, including the responsibility to pay rent and any outstanding housing debt.

Why would I want to pass on my tenancy to someone else?

There are many reasons why you would want to pass on your tenancy. For example, you may leave to work abroad, or you may feel that you no longer want to be responsible for the tenancy. In some situations, you may be able to pass the tenancy on to someone who already lives in your home.

Who can pass on their tenancy?

If you have a Scottish secure tenancy or a short Scottish secure tenancy, you can pass on your tenancy if you have our permission in writing. You must fill in an application form asking for our permission to pass on your tenancy. By law, we must give you an answer within a month.

Who can I pass my tenancy to?

If you want to pass your tenancy to another person, the following must apply.

- The person you want to pass it on to must be 16 years old or over.
- They must have filled in and returned an application form to us.
- The house must have been their only or main home for at least six months before the date you apply to pass on your tenancy.

What is a main home?

Your main home is somewhere you have a major link to. It does not mean you must live there all of the time. If you spend periods of time away from the home, it may still be your only or main home. For example, if you are a student, your

parents' home may still be seen as your main home even if you are temporarily living away from it, as long as you plan to return there.

How do I apply?

If you want to pass on your tenancy, you must fill in the application form at the end of this leaflet.

How will you assess my application?

Before we can consider your application, you must give us all of the information that we ask for on the form. We may also need to interview you. We will assess your application and we will also consider the housing need in the area that you live in.

If you have a joint tenancy, you must get agreement from the other joint tenants to pass on the tenancy. If you have a husband, wife or civil partner, you must get their agreement to pass on your tenancy.

When we have all of the information we need, we will give you our decision in writing within one month of getting your application. We will not refuse permission without a good reason, and if we refuse to give permission we will tell you why and how you can appeal against our decision. If we don't respond to you within one month, this means we have given our permission for you to pass on your tenancy.

When will you refuse permission?

We will not give you permission to pass on your tenancy if we have good reasons for refusing, such as the following examples.

- We have served a notice on you to warn you that we may take action to evict you because of your behaviour.
- We have an order to evict you.
- The property would become overcrowded.
- The person who wants to take over the property has been convicted of anti-social behaviour in the last 12 months or has a current anti-social behaviour order.

- Passing on the tenancy would mean that we are not acting in line with our allocations policy.
- If another person's occupancy rights are likely to be affected if we gave you permission to pass on the tenancy.

Also, we may not give you our permission if you do not give us all of the information that we need to make our decision within one month. If we do not give our permission because of this, you can apply again when you have all of the information available.

If you give me permission to pass on my tenancy, what rights and responsibilities will the new tenant have?

If we give permission, we will agree a date after which you will no longer be the tenant. The new person will then become the tenant and will take over all the rights and responsibilities of the tenancy. This includes paying rent and any outstanding housing debt.

What if I don't agree with your decision?

If you are not satisfied with the decision, you can appeal in writing to the Director.

You can also appeal to the Sheriff Court – you can start court action at any time. The court will order us to agree to the application unless it thinks that our refusal to give permission is fair. If you want to challenge our decision by starting court action, we recommend that you get independent legal advice.

Application for Assignment of tenancy

Tenants name	
Address <i>Please include your postcode</i>	
Your home tel no	
Your mobile tel no	
Your email address	
Reason(s) for wishing to assign tenancy	
Where do you intend to move to?	
Proposed assignee name	
Relationship to you	
Their date of birth	
Their national insurance number	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Their gender	<input type="checkbox"/> male <input type="checkbox"/> female
Date they moved in?	<input type="text"/> <small>① You need to provide proof of this when you return this form (i.e council tax/ utility bill)</small>

Please provide details of all addresses the proposed tenant has lived in for the past five years

Address		
Landlord		
Time in residence	Years:	Months:
Address		
Landlord		
Time in residence	Years:	Months:

Please provide details of all other people who would live in the house if this application was approved

Name	Relationship to you	Date of birth	Gender (M/F)	Live with you now (yes/no)

Please advise the following about the proposed assignee and anyone listed above:

1. Has action ever been taken against anyone for antisocial behaviour?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Does everyone have a legal right to stay in the UK?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Is anyone registered under the Sex Offenders Act 1997 as amended by the sexual Offences Act 2003?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Has anyone been or ever been employed by ANCHO or is or has been a member of ANCHO's Management Board?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Is anyone related to an employee of ANCHO or a member of ANCHO's Management Board?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Declaration

I hereby declare that to the best of my knowledge the information I have given on this form is correct. I hereby authorise ANCHO to make any enquiries that are deemed necessary in connection with any information given by me, including any personal data protected by the Data Protection Act 1988.

By signing, I agree to be responsible for paying any outstanding rent arrears due at the date of assignation

Signature of tenant

--

Date

--

Signature of proposed assignee

--

Date

--

Please return this form to our office. A written reply will be received within one calendar month of receiving all the necessary information in writing.

ANCHO will not have consented to the assignation unless you receive written consent.

FOR OFFICIAL USE ONLY

Date received

--

Approved/Declined

--

Signature (TO)

	<i>Date:</i>
--	--------------

Signature (HC)

	<i>Date:</i>
--	--------------

Questions

We're happy to help if you're unsure about what to do. Just call our Freephone number **03030 300 999**



Telephone: 01294 313121



Email: mail@ancho.co.uk



Web: www.ancho.co.uk

ANCHO Ltd is a Registered Society under the Co-operative and Community Benefit Societies Act 2014 (No 2559R(S)), Registered with the Scottish Housing Regulator (No 306), Recognised as a Scottish Charity (No SC036082), Registered property factor (PF000346)