



# Subletting



## What is subletting?

If you are a tenant and you rent all or part of your home to someone else, this is called subletting. The person who pays you rent is a subtenant.

## Why would I want to sublet my home?

You may want to sublet your home because you need to go away for a period of time due to work commitments; family commitments (for example, to care for someone); or long-term travel plans.

## Can I sublet my home?

If you have a Scottish secure tenancy or a short Scottish secure tenancy, you can sublet all or part of your home but only if you have our permission in writing. If you move out of your home without our permission and don't plan to return, you may lose your tenancy rights. This is because you can only be a Scottish secure tenant or short Scottish secure tenant while the property is your only or main home.

## How do I apply?

If you want to sublet all or part of your home, you must fill in the attached application form. We will send you a decision in writing within one month of getting your application.

Before we can consider your application, you must give us all of the information that we ask for on the form. If you have a joint tenancy, you must get the agreement of the other joint tenants to sublet your home. If you have a husband, wife or civil partner you must get their agreement to sublet your home. (Civil Partnership is a legal relationship, which can be formed by two people of the same sex. Couples who form a civil partnership are civil partners).

Sometimes, we may arrange to interview you to collect more information. When we have all of the information we need, we will give you our decision in writing. We will either give you our agreement or refuse your application.

If we refuse your request we will tell you why. We will not unreasonably withhold our permission. If we don't respond to you within one month, please consider that we have given our permission to your application to sublet your home.

## When might I be refused permission to sublet my home?

We will not give you permission to sublet your home if we have justified reasons for doing so, such as:

- we have served a notice on you warning that we may take action to evict you because of your behaviour;
- we have an order to evict you;
- the rent or charges, such as a deposit, you aim to charge are not reasonable;
- the planned change would mean the house would be overcrowded under the Housing (Scotland) Act 1987;
- you are leaving for an indefinite period and can't tell us when you will return (you would not be meeting your responsibilities of the tenancy agreement and we may take action to repossess the property); or
- the proposed subtenant has been convicted of antisocial behaviour in the last 12 months or has a current antisocial behaviour order.

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.

## What are the conditions of subletting my home?

If we give you our permission to sublet your home, we will tell you about the conditions in the letter of consent. The following conditions will apply.

- **Length of the sublet** If you apply to sublet all of your home, we will only give you our permission for six months. After this, we will review the application and may give you our permission to sublet for a further six months, after which the sublet will end. The maximum time that we will give you our permission to sublet all of your home is 12 months.

At the end of the sublet, you must return to live in your home. If you do not want to live in your home, we will tell you how to end your tenancy.

You may get permission to sublet part of your home for longer.

If you have a short Scottish secure tenancy, the sublet will not be longer than length of your tenancy.

- **Amount of rent** The amount of rent you charge should be reasonable. This does not mean that the amount of rent you charge cannot be more than the amount of rent you pay us. You may need to charge extra, for example, to cover costs of more furniture and insurance. We will assess each case individually.

- **Increase in rent** You must get our permission in writing before you increase the amount of rent you charge the subtenant.
- **Paying rent and conditions of tenancy** If you sublet your home, you will still be responsible for paying rent to us, for any damage to the property caused by the subtenant, and if the subtenant breaks the tenancy conditions in any other way, for example, antisocial behaviour.
- **Living in your home** The subtenant, and those members of their household who you told us about in your application, may live in your home. At the end of the sublet, you must either return and live in the house as your main home, or end your tenancy. If you don't, we may take action to repossess the property.
- **Change in circumstances** You must tell us about any change in circumstances relating to the sublet.

## How do I end a sublet?

If you decide that you no longer want to sublet your home you must ask the subtenant to leave. This is your responsibility and not ours. If your tenancy ends and the subtenant stays in your home, we will take legal action to remove them. We may charge you the costs involved.

## What if I don't agree with the decision?

You can ask the Director to review your application. 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.

## Important points

- Even if you sublet your home, you are still our tenant and are responsible for all the conditions of your tenancy, including paying your rent.
- If you do not return to live in the house on the date agreed and we have refused to extend the period of the sublet, we may begin proceedings to end your tenancy.
- The subtenant will have to move if your tenancy is ended. He or she will not qualify for the tenancy.
- You can get independent legal advice from a solicitor or an organisation such as Citizens Advice.

# Application for Sublet

<b>Tenants name</b>		
<b>Address</b> <i>Please include your postcode</i>		
<b>Your home tel no</b>		
<b>Your mobile tel no</b>		
<b>Your email address</b>		
<b>Please give reasons for application</b>		
<b>How long do you want to sublet for?</b> <i>Please note that period cannot exceed 6 months</i>	<b>From:</b>	<b>To:</b>
<b>Where can you be contacted during the period of sublet?</b>	<b>Address:</b>	
	<b>Tel No:</b>	
<b>Employers name and address (if applicable)</b>		
<b>Where can a spare key be obtained during your absence?</b>		
<b>Proposed charges</b>	<b>Rental charge (per week):</b>	
	<b>Other charges (per week):</b>	
	<b>Deposit charge (returnable):</b>	

Proposed sub-tenants name	
---------------------------	--

Relationship to you	
---------------------	--

Their date of birth	
---------------------	--

Their national insurance number								
---------------------------------	--	--	--	--	--	--	--	--

Their gender	<input type="checkbox"/> male	<input type="checkbox"/> female
--------------	-------------------------------	---------------------------------

Their current address <i>Please include postcode</i>	<p><i>① You need to provide proof of this when you return this form (i.e council tax/ utility bill)</i></p>
---	---

Are they?	<input type="checkbox"/> an ANCHO tenant	<input type="checkbox"/> a homeowner
	<input type="checkbox"/> a Private tenant,	<input type="checkbox"/> a Council tenant
	<input type="checkbox"/> Other (please specify): _____	

If they are a tenant who is their landlord?	
---	--

Why do they want to sublet your house	
---------------------------------------	--

**Please provide details of all addresses the proposed lodger 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 during the period of sublet if this application was approved

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

Please advise if the following about the proposed sub tenant or 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.

Signature of tenant

--

Date

--

Signature of proposed sub-tenant

--

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 sublet unless you receive written consent.**

## FOR OFFICIAL USE ONLY

Date received

--

Approved/Declined

--

Signature (TO)

--

*Date:*

--

Signature (HC)

--

*Date:*

## 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](mailto:mail@ancho.co.uk)**



**Web: [www.ancho.co.uk](http://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)