



A Guide to Introductory Tenancies



South Lakes Housing aims to provide good quality, affordable and well managed housing that meets the needs of all our tenants. We can only do this with the co-operation and consent of all our tenants and residents.

Therefore we use Introductory Tenancies. They are a way to make sure we are doing everything we can to encourage people to behave responsibly and in a way that is acceptable to the rest of the community.

Who will be eligible for an Introductory Tenancy?

If you are offered a tenancy by South Lakes Housing and you do not already hold a tenancy with us, another council or another registered social landlord, such as a housing association, you will be offered an Introductory Tenancy. (There are a few exceptions, usually where a tenancy has been granted for a temporary period only.)

What are Introductory Tenancies?

An Introductory Tenancy initially lasts for 12 months. During that year if you break the terms and conditions of your tenancy agreement it is easier for South Lakes Housing to end your tenancy. During this time you are effectively on probation. If the tenancy is conducted satisfactorily within this period then the tenancy will become Secure.

Introductory Tenancies

Information about signing the tenancy agreement

South Lakes Housing uses the same Tenancy Agreement for both Secure and Introductory Tenancies. But there will be parts that apply to Introductory tenants and other parts that apply to Secure tenants.

Before you sign the agreement a member of staff from South Lakes Housing will go through the tenancy agreement and answer any questions you have about your rights and responsibilities.

It will be made clear to you what type of tenancy you are signing for.

Once you have signed a Tenancy Agreement you will get your own copy. Make sure you have read the Tenancy agreement carefully before you sign it.

What rights do Introductory Tenants have?

If you are an Introductory tenant you will have the right to:

- stay in your home after the 12 month probation period, if the tenancy has been conducted satisfactorily
- have repairs made to your home
- be consulted on housing matters and informed of any changes to your tenancy

You will not have the same statutory rights as existing tenants. You will not have the right to:

- the same protection from eviction for any breach of the tenancy agreement
- buy the council property
- assign or transfer the tenancy (unless by Court Order or other exceptional circumstances)
- mutually exchange with another tenant
- take in lodgers or sublet all or part of the property
- carry out improvements

What happens if I break the tenancy agreement during the 12 months?

If you break the terms and conditions of your Introductory Tenancy, South Lakes Housing has to get a Court Order to ask you to leave.

As long as we have served you with a legal Notice and considered any request you make to us or reviewed our decision to get possession of your home, the court cannot usually refuse to give us the Court Order we are seeking.

Alternatively, we may apply to the Court to extend the introductory period for another 6 months.

What incidents are considered to be breaking a tenancy agreement?

Breaches of tenancy may include:

- rent arrears
- violence or threat of violence
- harassment which is having a seriously detrimental effect on the victim or members of his or her family or the community / neighbourhood
- use of the property for illegal or immoral purposes, for example drug dealing
- damage to a property
- noise
- failure to maintain gardens to a satisfactory standard
- littering
- a substantial number of incidents, including those of a minor nature which have continued despite warnings to the tenant

What happens if I break the Tenancy Agreement?

If for any reason you break the tenancy agreement South Lakes Housing will try and contact you to discuss the problem. If you ignore our attempts to contact you, or you fail to comply with an agreement you

have made with us we could serve you with a legal Notice – the first step towards ending your tenancy.

What happens if I am served with a legal Notice?

If we serve you with a legal Notice to end your tenancy, you have the right to request a Review. This gives you the chance to ask us to review our decision to go to court and try and get a possession order against you, in writing or in person.

You will be able to make a case to argue why you should not be evicted. You may call upon other people to make your case.

The request for a Review must be received within 14 days of the service of the Notice. If we do not receive a request for a Review, we will make an application to the Court for a Possession Order. This will not be before the date specified on the Notice.

If you request a Review the South Lakes Housing must make sure that your request is considered by a senior manager who has not been involved in the action against you, or in managing your tenancy or rent account.

What if someone other than the tenant caused the breach?

You are responsible for the behaviour of your family and friends, their own children and visitors to your home.

Can a Review stop legal action?

The Review can decide whether or not the legal action should continue. It can:

- quash the Notice
- uphold the Notice, but suspend any further legal action as long as you meet all the conditions specified
- uphold the Notice and for legal action to repossess your home to begin after the date specified in the Notice More detailed information will be provided to you if you are served with a legal Notice. We recommend that you also seek independent legal advice.

If my Review is refused – can I appeal?

No further appeal can be made to South Lakes Housing. If you believe that South Lakes Housing has not carried out its procedures properly, you may be entitled to ask the Court for the chance to overturn the decision by a Judicial Review at the High Court.

If we have followed our procedures and the court agrees we have complied with the Law, then the Court cannot refuse South Lakes Housing's application for a Possession Order.

What happens after 12 months?

If you have complied with the tenancy agreement throughout the 12 months and no legal action has been taken to end your tenancy, the tenancy will automatically become Secure.

What if I am a joint tenant and the other tenant dies or leaves?

In certain circumstances you might succeed to the tenancy. This would be for the remainder of the introductory period. Get in touch with your area housing office who will discuss your tenancy with you.

Can I apply for a transfer to another Council home if I am an Introductory Tenant?

South Lakes Housing will not usually transfer tenants to another home until they have been a tenant for more than 12 months.

In exceptional cases such as:

- racial or other harassment
- domestic violence
- medical grounds

an urgent move may be considered.

To discuss your request to move please contact your area housing office.

Where can I get advice?

You will be able to obtain advice about your rights under an introductory tenancy from your local Area Housing Officer. Legal advice can be obtained from your local Citizens Advice Bureau or you may wish to consult a solicitor.

You can get a copy of this document in different formats such as large print, Braille, audio, or in a different language by calling 0845 057 0080 or check our website www.southlakeshousing.co.uk

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Little Aynam House
Little Aynam
Kendal
LA9 7AH
 0845 057 0080

The Town Hall
Queen Street
Ulverston
LA12 7AR
 01229 584424