



# CHANGE OF TENANCY

What you need to know



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

## ASSIGNATION

You can apply to hand over your tenancy to someone else in your household. This is called 'assignment'. You might want to do this if you want to move out or you would rather someone else was responsible for your tenancy.

The person taking over the tenancy must have been living with you for at least twelve months. You will need to apply to us for permission. The tenancy will not be assigned until we have given permission, and the new tenant has signed an assignee consent form. You will hand over all your rights and responsibilities to the other person.



## JOINT TENANCIES

A joint tenancy is when two or more adults are named in the tenancy agreement. Each tenant has equal rights and is jointly responsible for the tenancy.

This means that each tenant is responsible for the full rent being paid (not just half), and if one tenant breaks the agreement, we can hold the other responsible. You can ask for someone living with you to become a joint tenant with you.

They must have lived at the property as their only or principal home for twelve months before you apply. As the new tenant is being included as a joint tenant under the existing tenancy, you do not need to sign a new tenancy agreement. The existing tenancy will be updated to reflect the change.



## **REASONS WHY WE MIGHT NOT GIVE PERMISSION FOR ASSIGNATION OR JOINT TENANCY**

- ▶ You have broken any of your tenancy conditions;
- ▶ The qualifying residency period has not been met;
- ▶ You have not given us the information we asked for;  
extra people coming into the household would overcrowd your home;
- ▶ The current tenant has received a notice of recovery of possession warning that they may have to leave their home, or we have already obtained a court order for recovery of possession; or
- ▶ We have plans to carry out work to the property or building;
- ▶ We can also refuse permission in certain other situations where it is reasonable to refuse.

If we do not give permission and you are not happy with the decision, we will tell you how to appeal this decision.

## **ENDING YOUR SHARE OF THE TENANCY**

A joint tenant can give up their share of the tenancy without the other tenant losing their right to the tenancy. They must let us and the other joint tenant or tenants know in writing, four weeks before they give it up.

At the same time, they must also tell any other members of the household, who are over sixteen. They continue to share the responsibilities for the tenancy until the end of the four weeks.

The remaining tenant or tenants do not need to sign a new tenancy agreement the existing tenancy agreement will be updated.

## **NAME CHANGE**

If you change your name, you don't need to change your tenancy agreement but you must let us know by completing our standard form.

You must provide proof of your name change for us to amend your tenancy agreement.

Once your name has been amended on your tenancy agreement, all future correspondence will be issued in your new name.



## SUCCESSING TO A TENANCY

### What you need to know

**If a tenant of a Scottish secure tenancy dies, another member of the household may take over the tenancy.** This is called a succession, and the person taking over the tenancy 'succeeds' to the tenancy and is known as 'the successor'. The transfer of the tenancy will not be legal until we have agreed to it and we and you have signed the succession consent form.

**If a house or flat has been designed or considerably adapted for someone to use, it can only be handed on to a joint tenant or partner.** Members of the tenant's family, or carers, can only take over the tenancy if they have the needs that the accommodation is designed or adapted for. Where an applicant does not have these needs the Council must provide alternative accommodation.

### Who can succeed to the tenancy?

Only certain people can succeed to a Scottish secure tenancy. These are grouped into three levels of priority. If there is no-one in the first priority who wants to take over the tenancy, we will consider someone in the second priority (and then the third priority).

#### Priority One:

- ▶ The tenant's husband, wife or civil partner who was living with the tenant when they died or the surviving joint tenant;
- ▶ The tenant's unmarried partner (for the tenant's partner to succeed, the house must have been their only or principal home for twelve months before the tenant died).

#### Priority Two:

- ▶ Member of the tenant's family who is 16 or over; and
- ▶ Was living in the tenancy as their only or principal home for twelve months before the tenant that died.

#### Priority Three:

- ▶ A carer who is 16 and over and who is providing, or has provided care for the tenant or a member of the tenant's family;
- ▶ The house must have been their only or principal home for twelve months before the tenant died; and
- ▶ Have given up his or her only or principal home to live with the tenant.

### How do I apply for a change to the tenancy?

- ▶ Collect a form from your Area Housing Office, fill it in and return it to us at the office. We will write back to you within 20 working days, telling you whether it has been approved. If the tenancy change is approved, there is no need to sign a new tenancy agreement. We will give you a copy of the existing tenancy agreement and you will have to sign the change of tenancy consent form.

# Area Housing Offices

## **Beith and Dalry Housing Office**

01294 836710

[dalryhousing@north-ayrshire.gov.uk](mailto:dalryhousing@north-ayrshire.gov.uk)

## **Irvine Housing Office**

01294 310150

[irvinehousing@north-ayrshire.gov.uk](mailto:irvinehousing@north-ayrshire.gov.uk)

## **Kilbirnie Housing Office**

01505 685177

[kilbirniehousing@north-ayrshire.gov.uk](mailto:kilbirniehousing@north-ayrshire.gov.uk)

## **Kilwinning Housing Office**

01294 552261

[kilwinninghousing@north-ayrshire.gov.uk](mailto:kilwinninghousing@north-ayrshire.gov.uk)

## **Largs Housing Office**

01475 687590

[largshousing@north-ayrshire.gov.uk](mailto:largshousing@north-ayrshire.gov.uk)

## **Three Towns Housing Office**

01 294 31 0005

[threetownshousing@north-ayrshire.gov.uk](mailto:threetownshousing@north-ayrshire.gov.uk)

## **Welfare Reform Advice Team**

0300 999 4606

[welfarereformteam@north-ayrshire.gov.uk](mailto:welfarereformteam@north-ayrshire.gov.uk)

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## **Contact North Ayrshire Council**

# 01294 310 000

[www.north-ayrshire.gov.uk](http://www.north-ayrshire.gov.uk)

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