

A TENANT GUIDE TO ADDING A JOINT TENANT



1. INTRODUCTION

An application for a joint tenancy is a means that allow tenants to add another person onto the tenancy. All joint tenants have responsibility jointly and severally (solely) for the tenancy conditions stated within the tenancy agreement.

Every Scottish Secure Tenant (SST) and short SST has the right to seek their landlords permission to add a joint tenant. Joint tenancies are traditionally created due to marriages but can also be sons, daughters or other persons nominated by the tenant as long as they are aged 16 or over. There is no maximum amount of joint tenants per property.

From 1/11/19, due to a change in legislation, all proposed joint tenants must have lived in the property as their sole and principal home for a minimum period of 12 months from the date the existing tenant told RCH that they were resident in the house. This includes spouses, civil partners and co-habitees.

Landlords have 28 days to make a decision and tell the tenant of the outcome and can only refuse permission if it is reasonable to do so. Examples of these reasons are outlined in housing legislation.

2. HOW TO APPLY

Tenants who wish to add a joint tenant to their tenancy should complete and return a Joint Tenant Request Form. This form is available on request from RCH.

Once we receive this we will check that the applicant is a qualifying person against our criteria and arrange for a survey of your home. If appropriate, we may seek references from another landlord.

We will then write back to you advising if your application has been approved or not. We must do this within 28 days of receiving your application.

3. APPROVING PERMISSION

If permission is being approved, the joint tenant gains the same tenancy rights and conditions of the existing tenant. A new tenancy agreement signed by all tenants is needed to ensure that we have the new tenant's signature but the change is considered as continuing tenancy and not the end of one and start of another. The original tenancy start date is retained.

This means that the joint tenant has joint and severally (sole) liability for all existing tenancy condition which includes repayment of any arrears of rent and any other tenancy breaches.

The Housing Officer shall make arrangements for the joint tenants to sign a tenancy agreement and explain in fuller detail what the changes mean. Both tenant and the applicant should update on-line any rehousing applications.

4. GROUNDS FOR REFUSAL

River Clyde Homes will not unreasonably refuse permission consent for tenants to add a joint tenant their home. However, the grounds under which we may refuse consent include the following:

1. you have not completed the application correctly or provided the necessary information within 7 days of request.
2. You are looking to charge an unreasonable rent, deposit or other charge in relation to the tenancy. RCH will consider any additional charges to be unreasonable.
3. you have failed to notify RCH that the proposed joint tenant was resident in the property and/or this person has not resided at the property a minimum period of 12 months. **(FROM 1/11/19)**
4. we have served you with a Notice of Proceedings warning you that we are seeking to have you removed from your home under Schedule 2, grounds 1-7 of the Housing (Scotland) Act 2001
5. we have obtained an order against you for recovery of possession of the property (eviction)
6. you have rent arrears equivalent to three month's rent charge and an arrangement to repay this debt has not been kept for a period of three months.
7. your house has been designed or adapted for occupation by a person whose special needs require accommodation of the kind provided by the house and if this changes takes place, there would no longer be a person with such special needs occupying the house.
8. the accommodation within the property is not suitable to the needs of the proposed joint tenant and their family and/or **(FROM 1/11/19)** they would not qualify for reasonable preference per RCH Allocations policy.
9. this change would result in the property becoming overcrowded or under occupied following the definition found in RCH Allocation Policy.
10. your house is included in a River Clyde Homes sensitive lettings initiative and the proposed joint tenant does not meet the entry criteria.
11. We are intending to carry out work to the property which would affect the proposed joint tenants occupation of the property

12. We have discovered an issue related to your proposed joint tenant and have advised them separately of this. We shall use the verification process associated with our Allocation policy to make this assessment.

12a – where the issue relates to the proposed joint tenant, the Housing Officer will provide them directly with a written refusal letter outlining the grounds that have been used within 28 days of receipt of the application.

The above examples do not in any way alter our general right to refuse permission on reasonable grounds and we will consider every case in its own merits.

Once our decision has been made, the application is closed and any future request for permission shall be treated as a new application.

5. APPEAL PROCESS

You have 7 days to appeal any decision and should do so in writing stating the reason for the appeal and enclosing any new information that is relevant.

The Housing Team Leader shall review the grounds for appeal against the qualifying criteria and make the decision to uphold or not uphold the appeal. You shall be advised of this decision within 14 days of receiving your appeal.

This decision is final and completes the appeal process. If refused, and the change has already been made without our permission, the applicant and their family must vacate the house within 28 days to avoid RCH taking action to repossess the home.

Please make any enquiries to River Clyde Homes 24/7 Customer Experience Team, full contact details can be found on our website www.riverclydehomes.org.uk.

- Telephone 0800 013 2196
- Email customerexperience@riverclydehomes.org.uk
- Visit River Clyde Homes Customer Hub, Clyde Square, Greenock

THIS INFORMATION LEAFLET IS AVAILABLE IN A VARIETY OF OTHER FORMATS SUCH AS LARGE PRINT, TAPE AND IN OTHER LANGUAGES. PLEASE DO NOT HESITATE TO CONTACT US IF YOU FEEL THAT YOU WOULD BENEFIT FROM THIS.