

Tenants Guide to ending a tenancy



Your tenancy agreement provides information on the different ways that a tenancy can be ended. These are:

- **By Notice** – you must give us at least 28 days notice in writing of your wish to end your tenancy. You must also let us know if you are married, in a civil partnership or if you live in the house with another person as husband and wife. If you do, their written agreement may also be needed.
- **By Court Order** – we can apply to the Sheriff Court for an order to repossess your tenancy by way of eviction. We only ask for this if you have broken the terms of your tenancy agreement and you have a right to defend any legal action we have taken against you.
- **By Abandonment by you** – we can end your tenancy if we have reasonable grounds to believe that you have abandoned the house and are no longer using it as your home. To end a tenancy in this way, we must serve a notice on you giving you 4 weeks' notice that we suspect that you are not living there.

We may force entry to the house to make it secure during these 4 weeks and your tenancy will end if you have not replied to this notice within the stated period. You have a right to apply to the Sheriff Court against this within 6 months of the tenancy being ended.

- **Abandonment by a joint tenant** – we can serve a notice on a joint tenant if we suspect that they have abandoned the house. The process is similar to the abandonment by you section but the joint tenants interest in the tenancy is ended 8 weeks after the notice. The remaining tenants tenancy is not affected.
- **Termination by joint tenant** – a joint tenant can end their interest in the tenancy by giving us and their joint tenant written notice. The remaining tenants tenancy is not affected.
- **By Death** – your tenancy will end on your death unless it is being passed to someone else who lived in the house with you through the Succession process.
- **By Sale to you** – if we offer to sell your house to you and you buy it from us, your tenancy will end on the date of transfer of ownership.
- **By conversion to a short Scottish Secure tenancy** – if an anti-social behaviour order has been granted against you, anyone living with you or visiting you, we may serve you with a notice on converting your tenancy. Shelter Scotland have more information on this process.

Moving out

Before moving out of your house you must:

- Leave the house in a clean and tidy condition
- Leave the house in good decorative order
- Remove all of your belongings from inside and outside the house

- Make sure any sub-tenants and lodgers move out with you
- Check with us that you have made all payments due to us
- Allow us reasonable access to the house before you move out to show new tenants round
- Hand in all sets of keys to our local offices, including door entry fobs, bin area keys, etc
- Remove any fixtures and fittings you have installed without our written permission and put right any damage caused.
- Apply for any compensation due from improvements you have made to the house with our permission
- Give us a forwarding address unless there is a good reason for not doing so.

We will check if you have an application for housing with us and provide advice on cancelling this application due to your change in circumstances.

Ending a family members tenancy

The illness or death of a family member is a stressful time but there are some important things you must do to ensure that you do not have to pay rent charges.

If you or a family member are moving into a nursing home or hospital:

- Four weeks notice of termination of the tenancy is required.
- You will need to give us a letter from the nursing home stating that your family member will be staying in the nursing home permanently **or**
- You must give us a letter from a consultant stating that your family member will be staying in hospital for the foreseeable future and will not be able to return home.

To end the tenancy of a deceased relative or friend there are a number of things you must bear in mind:

- Housing benefit will cease immediately. Therefore it would be advisable to clear your relative's home as soon as possible as full rent will continue until the keys have been handed back to us.
- The next of kin is required to bring the death certificate to our office to end the tenancy.

Other people you may wish to notify are:

- Bank or building society.
- Children's school or nursery
- Housing Benefit & Council Tax offices (tel: 0800 013 1375)
- Your doctor and dentist
- The Driver Vehicle Licencing Authority (DVLA)

