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**Assignation of Tenancy Application**

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| Please provide all of the information we have asked for – failure to do this may delay approval of your application. Remember to sign and date the form. If you are joint tenants, both tenants must sign the form.  Before you complete this application, please note that you must have held your tenancy for at least 12 months before an Assignation will be considered. The person you wish to assign the tenancy to, must also be registered as part of your tenancy for a minimum of 12 months. Permission must have been given in writing by Linthouse Housing Association.  With this form you will be issued with an information leaflet which will give you all the advice you need to know. If you require any assistance with this application, we will be happy to help. | | | |
| **1.** | Address of the house | Postcode: | |
| **2.** | Full name(s) of the tenant(s)  You must include any joint tenants |  | |
| **3.** | Tenancy start date |  | |
| **4.** | Contact number/email address |  | |
| **5.** | Starting with yourself, please list everyone who currently lives in the house, and their relationship to you | Name | Relationship |
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| **6.** | Name of the person(s) to whom you wish to transfer the tenancy. |  | |
| **7.** | Date when the person(s) to whom you wish to transfer the tenancy started living in the house and you received permission from LHA.  Do they live in the house on a permanent basis? | Date ……………………………  Date permission granted by Linthouse HA ...…………………  Yes  No | |
| **8.** | Reason why you wish to transfer the tenancy? |  | |
| **9.** | If we approve the request, where will you and any other members of your household live in future? |  | |
| **10.** | When do you want the transfer of the tenancy to take place? |  | |
| **11.** | What is your relationship status | 1. Married 2. Civil partnership 3. Living with partner 4. Single   If you selected option 1 or 2, the Matrimonial Homes (Family Protection) (Scotland) Act 1981 means that the consent of your spouse or partner may be required, even if they do not live in the house. | |
| 1**0.** All housing tenancy offers are made in accordance with our Housing Allocations Policy. We ask housing applicants to declare any relevant connections to Linthouse HA Management Committee members or our employees. This will help us to manage any potential conflicts of interest in an appropriate manner.  Our aim is to ensure our Committee members, employees, or relatives or close friends of either, do not receive any preferential treatment due to a connection with the Association. Nor should they be unfairly disadvantaged, though any such allocations generally will require prior approval by our Committee.  Please assist us by answering these questions:   |  |  |  | | --- | --- | --- | |  | **Please tick** | **If “yes” please provide details** | | Are you a Management Committee member of the Association? | Yes  No |  | | Are you a relative or close friend of a Management Committee member of the Association? | Yes  No |  | | Are you an employee of the Association? | Yes  No |  | | Are you a relative or close friend of an employee of the Association? | Yes  No |  | | | | |
| I declare that all of the information provided in this form is true and accurate to the best of my belief. I understand that Linthouse Housing Association will now visit me at home, to discuss this application with myself, any joint tenant(s) and the person(s) to whom I would like to transfer the tenancy,  Signature ……………………………………………………………………  (Print name) ……………………………………………………………………  Date …………………………………………………………………… | | | |
| Joint tenant(s) signature, if applicable  Signature ……………………………………………………………………  (Print name) ……………………………………………………………………  Date ……………………………………………………………………  Signature …………………………………………………………………...  (Print name) ……………………………………………………………………  Date …………………………………………………………………… | | | |

Appendix 2: Information leaflet on assignation

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**Assignation – a transfer of a Scottish Secure Tenancy**

**What does assignation mean?**

Assignation is the legal term used when you wish to pass on your tenancy to another person, known as an assignee. There is no new tenancy, but the rights and responsibilities associated with the tenancy are passed on to the assignee.

**Do I need permission?**

You must ask us for permission if you want to assign your tenancy to another person.

**How do I apply?**

To apply, you need to complete an application form asking for our permission to assign your tenancy. If you are a joint tenant, both tenants must agree to on pass on your tenancy to the assignee.

You can get an application form at our office or we can send it out to you. Please contact your Housing Officer, at our office or call us on 0141 445-4418. If you need any help to complete the form, we can help you.

Once you complete the application return to the Association with proof of identification for the person requesting to take over the tenancy (assignee).

**What will happen next?**

When we receive your application, we will arrange to visit you at home, with any joint tenants and the person you want to pass your tenancy to.

We will ask the following questions:

**Tenant**

* Have you lived in the house as your main home for 12 months?
* Has the person you wish to assign the tenancy to been registered as part of your tenancy for 12 months or more?
* Have you received permission from us for the person to live in the house?
* What date do you wish to assign your tenancy from?
* Why do you want to pass on your tenancy and where will you live in the future?

**Assignee**

* Are you over 16?
* Have you lived in the house as your main home for 12 months or more?
* Do you have written permission from us confirming that you can live in the house?
* Have you provided identification with the application?

The 12 month residency period will only start when we have given permission to the person to live in the house as their home.

Once we have visited you and you have provided all the information we require, we will write to tell you our decision. You will receive a decision within **one month** of receiving your application.

We will not refuse permission to assign the tenancy without a good reason. If we do not respond to you within one month, this means we have given our permission for you to pass on your tenancy.

**What will the association take into account in making a decision?**

We will approve your request, unless we have reasonable grounds for refusing permission.

We may refuse permission if:

* A notice of proceedings has been served on the property against
* We believe that an unreasonable payment has been made to or received by our tenant in relation to the application.
* We would not give the person our tenant wishes to pass the tenancy to reasonable preference under our allocations policy
* the assignation would result in the home being under-occupied
* the assignation would result in the home being over-occupied
* we intend to carry out work on the house or on the building and this will affect the ability to occupy the property.

If you owe the Association rent or have other tenancy related debts, you will be required to clear these debts before your application can be approved.

If you intend to continue living in the house after the transfer, we will need to be satisfied that you have good reasons for wishing to pass on the tenancy.

**Right of appeal**

If the application is refused, we will write and tell you the reasons for our decision and about your right to appeal.

Appeals will be considered by a senior member of staff who will review our decision. If after we have reviewed your application and you are still unhappy, you have the right to seek legal advice and ask the courts to review our decision.