

Subletting your home



the **MORAY** council

www.moray.gov.uk

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What is subletting?

If you are a tenant and you rent all or part of your home to someone else, this is called subletting. The person who pays you rent is a subtenant.

Why would I want to sublet my home?

You may want to sublet your home because you need to go away for a period of time due to:

- work commitments;
- family commitments (for example, to care for someone);
or
- long-term travel plans.

Can I sublet my home?

If you have a Scottish secure tenancy or a short Scottish secure tenancy, you can sublet all or part of your home but only if you have our permission in writing. If you move out of your home without our permission and don't plan to return, you may lose your tenancy rights. This is because you can only be a Scottish secure tenant or short Scottish secure tenant while the property is your only or main home.

How to apply

If you want to sublet all or part of your home, you must fill in an application form. You can get an application form from your local access point or from our website at www.moray.gov.uk. For information about your local access point, please see the end of this leaflet.

We will send you a decision in writing within 28 days of getting your application.

Before we can consider your application, you must give us all of the information that we ask for on the form. If you have a joint tenancy, you must get the agreement of the other joint tenants to sublet your home. If you have a husband, wife or civil partner you must get their agreement to sublet your home. Civil Partnership is a new legal relationship, which can be formed by two people of the same sex. Couples who form a civil partnership are civil partners.

Sometimes, we may arrange to interview you to collect more information. When we have all of the information we need, we will give you our decision in writing. We will either give you our agreement or refuse your application.

If we refuse your request we will tell you why. We will not unreasonably withhold our permission. If we don't respond to you within 28 days, please consider that we have given our permission to your application to sublet your home.

When will you not give me permission to sublet my home?

We will not give you permission to sublet your home if we have justified reasons for doing so, such as:

- we have served a notice on you warning that we may take action to evict you because of your behaviour;
- we have an order to evict you;
- the rent or charges, such as a deposit, you aim to charge are not reasonable;
- the planned change would mean the house would be overcrowded under the Housing (Scotland) Act 1987;
- you are leaving for an indefinite period and can't tell us when you will return (you would not be meeting your responsibilities of the tenancy agreement and we may take action to repossess the property); or
- the proposed subtenant has been convicted of antisocial behaviour in the last 12 months or has a current antisocial behaviour order.

Also, we may not give you our permission if you do not give us all of the information that we need to make our decision within 28 days. If we do not give our permission because of this, you can apply again when you have all of the information.

What are the conditions of subletting my home?

If we give you our permission to sublet your home, we will tell you about the conditions in the letter of consent. The following conditions will apply.

Length of the sublet

If you apply to sublet all of your home, we will only give you our permission for six months. After this, we will review the application and may give you our permission to sublet for a further six months, after which the sublet will end. The maximum time that we will give you our permission to sublet all of your home is 12 months.

At the end of the sublet, you must return to live in your home. If you do not want to live in your home, we will tell you how to end your tenancy.

You may get permission to sublet part of your home for longer.

If you have a short Scottish secure tenancy, the sublet will not be longer than length of your tenancy.

Amount of rent

The amount of rent you charge should be reasonable. This does not mean that the amount of rent you charge cannot be more than the amount of rent you pay us. You may need to charge extra, for example, to cover costs of more furniture and insurance. We will assess each case individually.

Increase in rent

You must get our permission in writing before you increase the amount of rent you charge the subtenant.

Paying rent and conditions of tenancy

If you sublet your home, you will still be responsible for paying rent to us, for any damage to the property caused by the subtenant, and if the subtenant breaks the tenancy conditions in any other way, for example, antisocial behaviour.

Living in your home

The subtenant, and those members of their household who you told us about in your application, may live in your home. At the end of the sublet, you must either return and live in the house as your main home, or end your tenancy. If you don't, we may take action to repossess the property.

Change in circumstances

You must tell us about any change in circumstances relating to the sublet.

Ending the sublet

If you decide that you no longer want to sublet your home you must ask the subtenant to leave. This is your responsibility and not ours. If your tenancy ends and the subtenant stays in your home, we will take legal action to remove them. We may charge you the costs involved.

What if I don't agree with the decision?

You can ask the area housing manager to review your application. If you are not satisfied with this decision, you can appeal in writing to the Housing Services Manager.









You can raise court proceedings at any time. The court must order us to agree to the application unless it considers that the refusal is reasonable.

Important points

- Even if you sublet your home, you are still our tenant and are responsible for all the conditions of your tenancy, including paying your rent.
- If you do not return to live in the house on the date agreed and we have refused to extend the period of the sublet, we may begin proceedings to end your tenancy.
- The subtenant will have to move if your tenancy is ended. He or she will not qualify for the tenancy.
- You can get independent legal advice from a solicitor or an organisation such as Citizens Advice.

For more information, please contact your local access point

Moray Council Access Points

<p>Buckie Area Access Point Environmental Services 13 Cluny Square Buckie</p> <p> housing@moray.gov.uk</p> <p> Phone: 0300 123 4566</p>	<p>Elgin Area Access Point Environmental Services Council Office High Street Elgin</p> <p> housing@moray.gov.uk</p> <p> Phone: 0300 123 4566</p>
<p>Forres Area Access Point Environmental Services Auchernack High Street Forres</p> <p> housing@moray.gov.uk</p> <p> Phone: 0300 123 4566</p>	<p>Keith Area Access Point Environmental Services The Institute Mid Street Keith</p> <p> housing@moray.gov.uk</p> <p> Phone: 0300 123 4566</p>

Please tell us if you need us to translate this document into your language, or if you would like a copy in large print, Braille or on audio tape.

For alternative formats, languages or further information, please ask an English speaking friend or relative to:

Phone: 01343 563319
Email: equalopportunities@moray.gov.uk
Write to: Project Officer (Equal Opportunities)
Chief Executive's Office
High Street
Elgin
IV30 1BX

如要索取其他的版式、各種語文的翻譯本，或需要更詳細的資訊，請叫一位會說英語的朋友或親屬與我們聯繫：

電話： 01343 563319
電郵： equalopportunities@moray.gov.uk
信件郵寄地址： 計劃主任(平等機會)
Project Officer (Equal Opportunities)
Chief Executive's Office
High Street
Elgin
IV30 1BX

Jeżeli chcieliby Państwo otrzymać informacje w innym formacie, języku lub dodatkowe informacje, mówiący po angielsku znajomy lub członek rodziny może do nas:

Zadzwoń na numer: 01343 563319
Wysłać mail: equalopportunities@moray.gov.uk
Adres korespondencyjny: Project Officer (Equal Opportunities)
(Urzędnik ds. Jednakowego Traktowania
Mniejszości Narodowych)
Chief Executive's Office
High Street
Elgin
IV30 1BX

Para outros formatos, idiomas ou para obter mais informações, peça para um amigo ou parente que fale a língua inglesa entrar em contato conosco:

Telefone: 01343 563319
Email: equalopportunities@moray.gov.uk
Endereço: Project Officer (Equal Opportunities)
Chief Executive's Office
High Street
Elgin
IV30 1BX

Notes

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Crystal
Mark
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Clarity approved by
Plain English Campaign