

Introductory Tenancies

This information explains the type of tenancy that Westmorland and Furness Council will offer you.

It is relevant to you if:

- you are applying for a home from the Council
- you are on the Council's waiting list for a new home
- we have offered or reserved a property for you and you are a new tenant
- you are moving into your new home and are a new tenant (or have lived there as an introductory tenant)

When you are successful in obtaining a home from the Council, we will sign an agreement with you. This is called a Tenancy Agreement. As a new Council tenant you will have rights and responsibilities. Westmorland and Furness Council, as your landlord, has rights and responsibilities too. These are explained in our Tenancy Agreement. The conditions of a Tenancy are available for you to view at the Housing Department.

Your new Tenancy Agreement describes all the rules and gives you information about your position as a new tenant. We have these rules to make sure that you can enjoy all the benefits of a Council tenancy. We are sure that you will want to help us ensure that everyone keeps to these rules, so that everyone looks after their home, is not a nuisance to neighbours and makes any payment due to the Council so that we can provide a good service.

Your tenancy will be an introductory tenancy.

What is an Introductory Tenancy?

Most Council tenancies are secure tenancies. An introductory tenancy is for a trial period of 12 months and an introductory tenant has fewer rights than a secure tenant.

If there are no problems during the trial period, your introductory tenancy will automatically become a secure tenancy. We will write to you at the end of the introductory period to confirm when your tenancy changes from an introductory to a secure tenancy.

We hope that there are no problems during the first 12 months of your tenancy, but if there are, the Council can take action to evict you.

As an Introductory Tenant

Your rights are very similar to those of secure tenants, including the:

- Right to Repair
- Right to Succeed
- Right to be Consulted

However, as an introductory tenant, you will not have the rights to:

- improve your home

- exchange your home with someone else
- buy your home*
- vote for a change of landlord
- take in lodgers

You will have these rights when you become a secure tenant after completing your trial period.

*If you become a secure tenant and decide to buy your Council home, the trial period of your introductory tenancy will count towards the "Right to Buy" discount after the introductory tenancy has become a secure tenancy. In some circumstances, we may let you take in a lodger or someone to give you care and support. You must get permission from the Housing Department first. If you have any questions about your tenancy with us, including when your introductory tenancy will end, please contact the Housing Department.

Your Responsibilities as an Introductory Tenant

Responsibilities for introductory tenants are the same as the responsibilities for secure tenants. For example, **you must:**

- pay your rent (and any other charges) on time
- give the Council four weeks' notice in writing, if you wish to end your tenancy. You must leave your home in good condition and return the keys to the Housing Department
- not behave in a way which causes nuisance or annoyance to anyone in the locality of your home or your estate. This includes anti-social behaviour and racial or other types of harassment
- not exchange your home with anyone else without written consent from the Council
- take good care of your home and the fixtures and fittings. This includes keeping the interior clean and in a good state of decoration and the garden tidy.
- report repairs without delay (if they are the Council's responsibility) and allow access to housing workers and contractors. This is explained in more detail in your conditions of tenancy.
- occupy the property as your only and principal home. You should not leave the property unoccupied for more than 30 days without telling your tenancy services officer.

As a tenant, you must keep to all the conditions of your Tenancy Agreement.

What will Happen if you Break any Conditions of Tenancy?

New tenants have nothing to fear as long as they behave responsibly. After 12 months, we will create a secure tenancy and write to you to confirm the date you will become a secure tenant.

If we receive complaints that you have been behaving in an anti-social way, we will investigate thoroughly, collect evidence and interview witnesses. If the complaint is justified, we will take action. This action could be to ask you modify your behaviour or to involve a mediator.

However, if you do not co-operate, or your actions are proved to be very anti-social - such as violence, harassment or racist activities, we will take action to evict you.

It's important to remember that you are not only responsible for your own behaviour; we can take action against you if the anti-social incidents are caused by someone living with you, or a visitor to your home. And it doesn't matter where the nuisance happens - in your home, outside it or anywhere in the locality.

The Council must serve you with a "Notice to Terminate" to bring your tenancy to an end. This tells you that the Council will be asking the County Court for an immediate Possession Order. If you receive a "Notice to Terminate" you may want to contact the Housing Department to discuss the situation.

Your Rights if you are Served with a “Notice to Terminate”

If you receive a "Notice to Terminate", it means the Council intends to obtain an Order for Possession from the County Court to seek your eviction from the property. If we get the order, you will be evicted. As an introductory tenant you will have the right to request a review of the Council's decision to evict you. A form to request a review will be enclosed with the "Notice to Terminate" which you should fill in and return to the Housing Department.

- The Council must receive your request for a review within 14 days of the date of the "Notice to Terminate" was served on you.
- Once the Council has received the review request, an acknowledgement will be sent to you within three working days.
- A review will be arranged for a date at least five days after your request form has been received unless there are any special circumstances.
- You will be notified of the decision of the Review Panel before the date indicated on the "Notice of Terminate", which is the date when the Council can apply to the County Court.

What a Review Involves

The review will be carried out by people who were not involved in the decision to evict you. They will consider your case, based on your statement in the review request form and the evidence provided by the Housing Office.

You do not have to attend in person and your circumstances will be considered. However, in exceptional cases, you may wish to request a personal hearing. If you request a personal hearing and don't attend, a decision may be made without you. You will be notified in writing of the Review Panel's decision before the date indicated on the "Notice to Terminate" when the Council can apply to Court.

The Review Panel's Decision

If the Review Panel finds in your favour, your introductory tenancy will continue. If, however, the Review Panel upholds the decision of the Council, you will not be able to appeal to anyone else. Although the Council will still have to ask the Court for final permission for the Possession Order, the eviction will be automatic as long as the Council has followed the process properly. If a Possession Order is obtained from the County Court you will be notified of your eviction date.

Where you can get Advice

If we do have to take action like this, you can get advice from:

- Housing Department: (01229) 876550
- Citizens Advice Bureau: (01229) 830367
- Local solicitor

Becoming a Secure Tenant

If there are no problems during your introductory tenancy you will automatically become a secure tenant a year from the date written on your Tenancy Agreement. We will, however, write to you to confirm when this happens.

For more information

If you have any queries, call our Lettings Team on (01229) 876550 or email: housing@westmorlandandfurness.gov.uk