



# Cassiltoun

## Housing Association

### ASSIGNATION POLICY

Date Approved	Proposed Review Date
October 2013	October 2016
Chair Person/Office Bearers Signature:	

**CASSILTOUN HOUSING ASSOCIATION LIMITED**  
59 Machrie Road, Castlemilk, Glasgow G45 0AZ

**Registered Scottish Charity SC 035544**

## **Assignment and Sub-letting Policy and Procedures**

Contained within every Scottish Secure Tenancy Agreement is the right to assign, sublet or otherwise give up to another person possession of the house or any part of it or take in a lodger provided they have the written consent from the Association and in the case of assignment, only where the house has been the assignee's only or principal home throughout the preceding six months and where the Association granted permission to reside.

In terms of the Housing (Scotland) Act 2001 the landlord has the right to refuse consent only if there is reasonable grounds for doing so therefore each request for assignment or subletting must be considered on an individual basis.

A written application (Appendix 1 & 1A) must be made to the Association giving details of the proposed transaction, and in particular of any payment which is to be received by the tenant in consideration of the transaction and the date they wish the change to take place.

On receipt of the application, acknowledgement should be sent (Appendix 2) confirming assessment will be carried out and tenant will be notified by recorded delivery mail of decision within one month. If the Association fails to respond to the tenant within one month of receipt of the application, the tenant would have the right to assume consent has been granted.

The Association can either:

- a) Grant consent or (Appendix 3).
- b) Refuse consent provided that it is not refused unreasonably.

### For Assignment

If consent has been granted arrangements should be made for the tenant to sign off the tenancy and new the tenant to sign a Scottish Secure Tenancy agreement. Current legislation should be applied and new tenant advised regarding Right to Buy, succession etc. Housing Benefit Section should be notified where applicable and computer records updated.

If the request has been refused the tenant will be notified of the reasons for refusal along with the procedure for the right of appeal.

### For Sub-let

If consent has been granted arrangements should be made to interview the tenant and the person(s) who will be sub-letting to ensure that they are aware of their obligations as a tenant/sub-tenant and of the Association's obligation as a landlord.

If consent has been refused the tenant should be notified of the reasons for refusal along with right of appeal.

## **Appendix 1**

Date

Dear

### **Request to Sub-let**

Further to your letter requesting permission to sub-let (whole or part of) your tenancy, please find enclosed an application which you should complete and return to our office at your earliest convenience.

Please note – you must enclose a copy of the tenancy agreement you propose to use in order for me to give your request consideration.

I trust the above is of assistance to you.

Yours sincerely

**Clare MacLean/John Williams**  
**Area Housing Manager**

**Appendix 1 A**

Application to sub-let

Name: .....

Address: .....

Telephone: .....

Please provide details of everyone currently living in your tenancy:

Name	Date of Birth	Relationship to you

Do you wish to sub-let part or all of your tenancy? .....

Please provide details of the person you wish to sub-let to:

Current Address: .....

Do they own, rent or lodge at this address? .....

Name, Address and Telephone number of the Landlord: .....

.....

.....

When did they move into this address? .....

If less than one year, please provide details of previous address and Landlord: .....

.....

.....

Do they wish anyone to live with them at your address? Yes  No

If yes, please provide the following details:

Name	Date of Birth	Current Address

How long do you wish to Sub-let? .....

How much deposit do you intend to charge? .....

How much rent do you intend to charge each month? .....

What date do you wish the change to take place? .....

If you intend to Sub-let the whole house please provide the following details:

Forwarding Address .....

.....

Telephone Number: .....

You should enclose a copy of the Tenancy Agreement you intend to use. Please note: Failure to provide this document will mean consent will not be granted for this request.

Signed (Tenant) .....

Signed (Joint Tenant) .....

Dated: .....

## **Appendix 2**

Date

Dear

### **Request to Assign your Tenancy**

Further to your letter requesting permission to assign your tenancy, please find enclosed application which you should complete and return to our office at your earliest convenience.

I trust this is of assistance to you.

Yours sincerely

**Clare MacLean/John Williams**  
**Area Housing Manager**

**Appendix 2 B**

**Application to assign tenancy**

Name: .....

Address: .....

Telephone: .....

Please provide details of everyone currently living in your tenancy:

Name	Date of Birth	Relationship to you

Please provide details of the person you wish to assign your tenancy to:

Name:	
Date of Birth:	
Current Address:	
Relationship to person you wish to assign your tenancy to:	
Do they own, rent or lodge at their current address? Please state:	
Name, Address and Telephone number of the Landlord:	
What date do you wish the Assignment to take place?	

## **Appendix 3**

Date

Dear

I write to acknowledge receipt of your application to assign/sub-let your tenancy.

I will contact you again within twenty eight days to advise you of our decision.

Yours sincerely

**Clare MacLean/John Williams**  
**Area Housing Manager**



**Appendix 4**

Date

Dear

**Request to Assign your Tenancy**

Thank you for submitting the application to assign/ sub-let your tenancy to:

.....

I write to confirm that this request has been approved and I have made an appointment for you and ..... to see me on:

.....

If this appointment is not convenient please contact me to arrange a suitable alternative.

Yours sincerely

**Clare MacLean/John Williams  
Area Housing Manager**

Date

Dear

**Request to Assign your Tenancy**

Thank you for submitting the application to assign/ sub-let your tenancy to:

.....

I write to confirm that this request has now been considered and unfortunately has been refused for the following reasons:

.....  
.....  
.....

If you wish to appeal against this decision you can in the first instance contact me within seven days regarding this. If you are still dissatisfied after this, you should appeal in writing to the Director of Operations within seven days.

If the matter is not resolved by this stage, you may appeal in writing to the Board of Management. After following the above procedures you still disagree with the decision taken, you may appeal to the Housing Association Ombudsman for Scotland, 2 Belford Road, Edinburgh EH4 3BL. Telephone: 0131 220 0499.

I trust all of the above is of assistance to you.

Yours sincerely

**Clare MacLean/John Williams  
Area Housing Manager**