

Housefacts M1



Sub-letting

Angus Council ACCESS Offices are located at:

Arbroath

Old Parish Church, Kirk Square, Tel: (01241) 434212

Brechin

36 Bank Street, Tel: (01356) 622184

Carnoustie

26 High Street, Tel: (01241) 853335

Forfar

Municipal Buildings, Tel: (01307) 464966

Kirriemuir

5 Bank Street, Tel: (01575) 572845

Montrose

Town House, Tel: (01674) 673280

Monifieth

81 High Street, Tel: (01382) 534900

To contact any council service telephone
the ACCESS Line on: 08452 777 778.

email: housing@angus.gov.uk website: www.angus.gov.uk

This leaflet can be translated, on request, into other community languages.

For people with visual impairment, large print, audio or braille versions can also be provided.

Management

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HOUSING
William Wallace House
Orchard Loan
Orchardbank Business Park
Forfar DD8 1WH
Tel: (01307) 461460

I wish to sub-let my house

It is a term of every Scottish Secure Tenancy that a tenant may if they wish, subject to approval, sublet their house. This means if you need to leave your house temporarily and intend to return to it, you may apply to sub-let.

Please read this leaflet carefully and also complete the 'Application to Sub-let' form, which is available from any ACCESS Office. The completed application should be returned to the address on the form.

Do I have to answer all the questions?

Before the Council can consider your application fully, it is essential that you give all the information requested on the form.

If the form is completed fully, providing all required information, then you will receive a written reply within one month of your application being received. This reply will either give consent or refuse consent to your request. If the Council refuses your request we will provide reasons for the refusal. The Council will not unreasonably withhold permission. If the Council fails to respond within a month it is to be taken that the Council has consented to the application to sub-let.

If permission is given, will there be any conditions attached?

Permission may be given for you to sublet your house for up to 6 months. The conditions will be made clear in the letter of consent and will include the following.

- The Council must approve the rent and any other payment which you wish to charge the sub-tenant before granting permission to sub-let your house, e.g., deposit, charge for furnishings etc

- The house must only be occupied by the persons agreed by the Council
- Four weeks before the sub-lease you must write to the Council to confirm the date on which you intend to return to the house.

Can the Council withhold permission?

The Council can only withhold permission if it has reasonable grounds for doing so.

Reasonable grounds for refusing permission include:

- We have served a notice on you warning we may seek your eviction on certain grounds because of your conduct
- We have obtained an order for your eviction
- The rent or associated charges you propose charging are unreasonable.
- The proposed change would mean the house would be overcrowded in terms of Part VII of the Housing (Scotland) Act 1987.

Can I make any change to the arrangements after consent is given?

It is a condition of any consent given for a sub-lease that the Council must approve the changes of the following type:

a) Rent

You must inform the Council of any proposed increases in the payments charged to the sub-tenant. If the Council objects, you must not increase the payments charged.

b) Occupants

Any proposed changes to the occupants of the house must be approved by the Council

You should inform the Council of any other changes in circumstances which may affect your tenancy or the sub-let.

What if I disagree with the Council's decision?

You can request that your request is reviewed by the Area Manager. If you are not satisfied after this, you can appeal in writing to the Head of Housing. At any time you may raise court proceedings by summary application. In this type of proceedings the court must, unless it considers that the refusal is reasonable, order the landlord to consent to the applicant

Important points which you should also note

- a) Even if you sublet you are still a tenant of the Council and therefore are responsible for all conditions of your tenancy including rent payments
- b) If you do not return to live in the house on the date agreed and a request for an extension of the sub-lease has been refused, the Council may begin proceedings to end your tenancy
- c) The sub-tenant will be required to move if your tenancy is ended and will not qualify for the tenancy
- d) You can receive independent legal advice from a solicitor or a rights organisation such as the Citizen's Advice Bureau.

You have the right to make a complaint about a council service to the Scottish Public Services Ombudsman. Any such complaint must be submitted within 12 months of the day when you first had notice of the matter you wish to complain about.

Scottish Public Services Ombudsman
4 Melville Street, Edinburgh, EH3 7NS.
Tel: 0870 011 5378, Fax: 0870 011 5379.

email: enquiries@scottishombudsman.org.uk
website: www.scottishombudsman.org.uk