



## PLYMOUTH COMMUNITY HOMES TENANCY TERMINATION POLICY

<b>Version:</b>	Last reviewed – November 2020
<b>Lead Directorate:</b>	Homes Neighbourhoods and Regeneration
<b>EIA completed:</b>	January 2012
<b>Approved by:</b>	Customer Focus Committee, February 2012

### 1. Aims and objectives

The aim of this policy is to set out PCH's approach to ensuring that tenancies are ended correctly and that all parties fulfil their respective responsibilities. The key objectives supporting this aim are that:

- All tenants ending their tenancies are treated in a fair and equitable manner.
- Checks are carried out that tenancy conditions have been complied with and that outstanding rent and other charges are paid, damage is put right, recharges raised and the property is left clean and tidy.
- The legal rights of other members of the tenant's household are recognised and protected.
- PCH meets its legal obligations and operates in accordance with good practice guidance.
- PCH minimises rent loss and void periods.

The policy applies to all residential tenancies and covers all types of tenancy termination. Types of tenancy termination include:

- Formal termination by the tenant.
- Internal transfer.
- Decants.
- Abandonment.
- Eviction.
- Death of tenant.

## **2. What the tenancy agreement says**

PCH currently lets its social and affordable housing on assured shorthold tenancies (for the starter period) and assured periodic tenancies. Terminations therefore need to be dealt with appropriately depending on the type of tenancy.

For both assured shorthold tenancies and assured periodic tenancies the tenancy agreement says:

### ***Ending the Tenancy***

*21.1 To give us at least four weeks' notice in writing when you wish to end the tenancy. The notice must end on a Sunday, and return all the keys for your home by noon on the Monday following the end of tenancy (including communal keys/fobs and store keys). Failure to return the keys will result in a lock change for which you will be charged.*

*21.2 You must allow us access to your home upon reasonable notice both to enable an inspection to be carried out before you leave, and to allow us to show prospective tenants the property at reasonable times of the day.*

### ***Moving Out***

*22.1 To pay the Total Weekly Charge and any other charges due up to the date of the end of your tenancy and to give us vacant possession, and to remove all furniture, personal possessions and rubbish and leave your home and our fixtures and fittings in good lettable condition and repair (subject to fair wear and tear).*

*22.2 We do not accept any responsibility for anything you leave at your home at the end of the tenancy and if you do leave any items in your home at the end of your tenancy, we may dispose of the items and you will be liable for the reasonable costs of that disposal.*

*22.3 You must advise us of your new address.*

## **3. How we manage termination of tenancies**

### **3.1 Formal termination by the tenant**

Where a tenant wishes to move out of a PCH home, the tenant is required to give at least four weeks' notice of their intention to leave the property, in accordance with their tenancy agreement. At least four weeks' notice must be given in all cases.

For joint tenants, we will accept the notice to quit where it has been given by one or more of the tenants. Where the notice has been given by one tenant in relation to a joint tenancy, we will write to both tenants to advise them to seek legal advice about the implications of giving notice in relation to a joint tenancy.

Tenancies are always terminated at midnight on a Sunday. This means that the tenancy is terminated on the first Sunday following four weeks after notice has been given, (or the first Sunday after the end of the notice period where longer notice than four weeks has been agreed). Rent is payable from the date notice is given to the date of termination.

In accordance with the tenancy agreement, keys must be returned by noon on the Monday following the end of the tenancy. Failure to return the keys will result in a lock change for which the outgoing tenant will be charged.

### **3.2 Internal transfer**

For tenants transferring from one PCH home to another, we will consider the acceptance of an offer of tenancy for the new PCH home to be a surrender of the existing tenancy. The new tenancy may commence as soon as the new property is ready for occupation. We will therefore not require the transferring tenant to provide us with four weeks' notice of their intention to end the existing tenancy.

We will consider requests by the transferring tenant for a period of overlap of their current and new tenancies. Rent will be due for both tenancies for this period.

### **3.3 Decants**

A decant is where a tenant has to be moved from their home, for example, for the purposes of refurbishment or as a result of the property becoming uninhabitable because of fire or flooding. Where the decant is permanent, for the purposes of tenancy termination, decants will be treated in the same way as internal transfers. Where the decant is temporary, there is no termination of the tenancy as the tenant will be moving back to their original home.

### **3.4 Abandonment**

Abandonment is where PCH believes a property is no longer occupied and the tenant has moved away, and is an implied surrender of the tenancy.

Where a tenant has abandoned a property, we will carry out investigations to satisfy ourselves that the tenant intended to surrender their tenancy. Where we are satisfied that the property has been abandoned, we will hold the tenant liable for the four weeks' rent payable in accordance with the tenancy agreement. In these circumstances, PCH will serve a notice to quit on the property. Any outstanding liability for rent or associated charges for which the former tenant is responsible will be recharged to them.

In exceptional circumstances, where PCH is satisfied that the property has been abandoned, we may exercise our discretion to agree a reduced notice period where the property can be made ready to let and be successfully let within a shorter period.

### **3.5 Eviction**

Where we have regained possession of a property through court action to evict a tenant, any outstanding liability for rent or other charges for which the former tenant is

responsible will be recharged to them. Where an eviction has taken place, the tenancy will be terminated on the first Monday following the eviction.

### **3.6 Death of tenant**

In the event of the death of a tenant, where there is no successor, we will accept the notice to quit from the late tenant's next of kin, personal representative, or executor of the late tenant's estate. The requirement for four weeks' notice applies in these cases.

Condolences should always be given on the first communication with the next of kin.

## **4. Exceptional circumstances**

### **4.1 Notice periods**

In emergency circumstances, PCH may accept a shorter notice period than four weeks, for example, where a tenant's circumstances match the Devon Home Choice criteria for an emergency move. Any exception must be agreed by a Senior Housing Officer.

### **4.2 Requests by the tenant to 'withdraw' notice after notice has been given and accepted**

Once notice has been given to terminate a tenancy, the tenancy termination process should be carried out and the tenancy terminated. Legally a tenant's notice to leave the property cannot be withdrawn. If a tenant makes a request to 'withdraw' their notice, PCH may agree to enter into a new agreement with the tenant to remain in that property. This must be agreed by a Senior Housing Officer. If an application for a new tenancy is refused this must be reasonable and proportionate, and the reasons for taking this action must be clearly documented.

### **4.3 Requests by the tenant to extend their notice period after notice has been given and accepted**

Requests to extend the notice period at any point during the notice period will not normally be approved. In particular, tenants must be ready to leave the property by noon on the Monday following the Sunday on which the tenancy terminates. They must remove all their possessions and return their keys before leaving. Approval for an extension would be given only in exceptional circumstances. Any exception must be agreed by a Senior Housing Officer.

## **5. Condition of property**

PCH expects tenants to leave the property, garage and garden areas (and any associated parts of the property such as sheds or roof spaces) in a clean and tidy condition, to allow minor repairs to be carried out in advance of the termination date and to return keys on or before noon on the Monday following the tenancy termination date.

PCH will:

- Agree any improvements made by the tenant to the property which are eligible for compensation.
- Identify any repairs that the tenant should carry out before they leave, such as redecoration or clearance of the garden.
- Identify any rechargeable costs or repairs, and recharge the tenant accordingly. Rechargeable costs may include, for example, clearing out the property where this is needed or the cost of changing locks to gain access where the keys are not returned.

## **6. Related documentation**

This policy is supported by procedural guidance including:

- Tenancy termination procedures
- Death of tenant procedure
- Transfer procedure
- Succession and assignment procedure
- Abandonment procedure

## **7. Equality and diversity**

PCH will apply this policy consistently and fairly, and will not discriminate against anyone on grounds of their racial or ethnic origin, disability, gender, religious belief, sexual identity, or any other relevant characteristic.

PCH will make this policy available in other languages and formats on request.

We will carry out an equality impact assessment on this policy, in line with our corporate procedure.

## **8. Monitoring and review**

We will monitor this policy to ensure it meets good practice and current legislation and will review it in accordance with our review timetable for all policies.