

What happens if the tenancy is a starter?

Starter tenancies are granted to all new tenants, unless they have transferred from a Council or Housing Association property. A Starter Tenancy is granted for 12 months, before it becomes assured.

For Starter Tenants, the same rules of succession apply; however, the tenancy will remain Starter until the 12-month period has passed. The start of the probationary period is the date when the original tenancy was granted.

Can the tenancy continue to be passed on as each tenant dies?

No. There is only one legal right to succession. If the tenancy has previously been transferred either by assignment or succession there can be no further transfers on death.

Definition of Successor

You are a successor if:

- you were a joint tenant and have become the sole tenant;
- you gained this tenancy as a result of an exchange of tenancies and you were a successor under your original tenancy;
- you gained this tenancy as a result of a court order relating to matrimonial proceedings and your spouse was a successor; or
- you gained this tenancy by a right to succession following the death of the previous tenant or under the will or intestacy of the previous tenant.

On succeeding to the tenancy, will the successor be allowed to remain in the property?

In many cases, yes. If they are the tenant's husband/wife/partner, they will not be requested to move to another property. However, Derwentside Homes can ask you to move to alternative accommodation.

This may happen if:

- The property is too large for your family

OR

- The property is designed or has been altered to make it suitable for a physically disabled person, and that person no longer lives in the property

Annfield Place, Stanley, Co-Durham DH9 7XN

How quickly will Derwentside Homes make a decision, regarding my application?

A decision will be made within 42 days.

Will I know when Derwentside Homes intends to request that I move to an alternative property?

The tenant will become informed at the time of succeeding the tenancy. Derwentside Homes will then complete a housing application and will try to re-house the applicant to a suitable property.

What will happen if the successor refuses to move?

Derwentside Homes will serve a formal notice between 6 and 12 months after the date of the tenant's death. The case will then be referred to the County Court, which will decide on the future of the tenancy.

What action is needed in the event of the tenant's death?

The person left living at the property should inform Derwentside Homes as soon as possible. He/she will need to take along a copy of the death certificate. Staff will then arrange to interview the person left living at the property within seven days.

As a council tenant, you can only pass on your tenancy once. Previous successions before the transfer to Derwentside Homes will not be counted.

This means if you are already the successor of a tenancy under Derwentside District Council the tenancy can now be succeeded again under Derwentside Homes.

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Should you require to appeal against any decision made by Derwentside Homes this should be made to:

Tenancy Services Manager - Derwentside Homes Ltd,
Greengates House, Amos Drive, Greencroft Industrial
Park, Stanley, County Durham DH9 7YE



Derwentside
Homes



right
of succession
of your tenancy



This document is
available in large print,
audio, Braille and different
formats on request from
0845 850 5600.

www.derwentsidehomes.co.uk

Tenants Guide

This booklet explains how, when the tenant of your household dies, you may have the right to become the tenant of the property, this is known as the right of succession.

In all cases if you disagree with Derwentside Homes decision we will carry out a review.

We will:

- ✓ Treat all requests to succeed fairly and fulfil our obligations as a landlord
- ✓ Ensure that your request is treated with high levels of customer care
- ✓ Provide you with a written response to your request within 42 days of your initial request to assign, informing you of the outcome of your request

Your right to take over a Derwentside Homes tenancy through the rights of succession

In certain circumstances you may be able to succeed to a tenancy, Derwentside Homes will uphold your legal rights of succession.

What is succession?

This is the right for certain people, in particular circumstances to take over the tenancy of a property after the tenant dies.



Who can succeed to a tenancy?

On the death of a tenant (providing no previous succession has taken place) the statutory right of succession will be granted to:

- The person living with the late tenant as their husband/wife/partner (including same sex couples), if they were living at the property as their only or principal home at the time of the tenant's death
- Any surviving joint tenants
- A person who has inherited it on the will or intestacy of the previous tenant

Someone who is not the husband/wife/partner of the late tenant may be eligible to succeed to the tenancy provided that they have lived with the tenant for the past 12 months. Advice should be sought from a Derwentside Homes customer service point.

Which of the above categories will take priority?

Priority will be given to the tenant's partner, providing he/she has been living with the tenant at the time of the tenant's death and it is his/her only or principle home.

Derwentside Homes defines partner as being a couple in the same or mixed sex relationship.

How long must the successor have lived at the property?

In all cases the successor must be living at the property as his/her only or main home.

If the successor is not the husband/wife/partner of the deceased tenant, he/she must also be able to prove that he/she have lived with the tenant for 12 months, ending with the date of the tenant's death.

What happens if there are two sons or daughters entitled to succeed the tenancy?

If there are two or more adult members of the tenant's family entitled to take over the tenancy, they must choose between themselves which one is to be the successor tenant. If no agreement can be reached, Derwentside Homes will make the decision.

