

Can my request to assign my tenancy be refused?

Yes, Derwentside Homes can withhold permission for the following reasons:

- A court possession order is outstanding
- You have been served with a notice of seeking possession
- The home would be too small or too large for the new tenant
- The property is adapted or designed for a disabled person and there is no one in the household requiring these adaptations
- The “new tenant” does not meet the succession criteria or residence requirement

We will not unreasonably withhold permission for your request to assign your tenancy. If your request is refused and you feel that Derwentside Homes’ decision is unfair you are entitled to a review.

This should be made to:

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

Tel: 0845 850 5600

Request to assign a tenancy

If you wish to make a request to assign your tenancy to another person please complete this form. Derwentside Homes will investigate your request and provide you with an answer within 42 days.

Please note that written consent is required from Derwentside Homes before your Tenancy can be assigned.

Tenant's Name: _____

Address: _____

Did you obtain the above tenancy from a relative or partner through Assignment or Succession of Tenancy?
(Please tick)

YES NO

I wish to request that Derwentside Homes considers my request to assign my tenancy of the aforementioned property to: -

Name: _____

Date of Birth: _____

Relationship to Tenant: _____

I understand that if my request to assign my Tenancy is allowed that I will lose all rights that I previously held as a Tenant of Derwentside Homes.

By assigning my Tenancy I may be deemed as intentionally homeless should I seek to obtain another property from a Local Authority or any other Registered Social Landlord.

Signed: _____

Date: _____



**Derwentside
Homes**



right
to assign
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 you can assign your tenancy to another member of your household.

If you are a starter or assured tenant with Derwentside Homes you may have the right to pass your tenancy to another person this is known as an assignment.

We will:

- ✓ Treat all requests to assign fairly and fulfil our obligations as 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 as a tenant of Derwentside Homes to pass your tenancy to another member of your household

In certain circumstances you may be able to assign your tenancy, Derwentside Homes will uphold your rights of assignment.



Do I have the right to assign my tenancy?

Depending on what type of tenancy you hold with Derwentside Homes you may or may not be able to assign your tenancy. Demoted and Starter Tenants **do not** have the right to assign, exchange or sublet during the starter period.

If you are an assured tenant you will only have the legal right to assign your tenancy in the following circumstances:

- It is as a result of an order made under s24 of the Matrimonial Causes Act 1973; s17 of the Matrimonial Proceedings Act 1984; Schedule 1 of the Children Act 1989;
- It is an assignment by way of exchange, that is, a mutual exchange with another tenant (Demoted or Starter Tenants **cannot** mutually exchange);

- It is to a person who would have qualified to have to succeed to the tenancy if the tenant had died immediately before the assignment

A tenancy may only be passed on once by succession or assignment to a potential successor. However an assignment as a result of an order under family legislation or as a result of an exchange would not prevent a further assignment or succession to a potential successor. A demoted tenancy may be assigned as a result of an order under family legislation.

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.

What do I do if I want to assign my tenancy?

Complete the form at the back of the booklet and take it to your local housing office. You cannot assign your tenancy without written permission from Derwentside Homes. We will investigate your request and inform you of a decision with 42 days of your request.