



Habinteg
Housing Association (Ulster) Ltd

INTRODUCTORY TENANCIES



INVESTORS
IN PEOPLE



ULSTER UNIVERSITY

The information in this booklet is reproduced from Habinteg's Tenant Handbook.

INTRODUCTORY TENANCY

There are two kinds of Habinteg tenancy - INTRODUCTORY and SECURE. As a new tenant, you are starting as an Introductory Tenant. This means you do not have all the rights of a secure tenant and could be evicted more quickly and easily if you break the tenancy agreement. You must sign the Tenancy Agreement before you move into your Habinteg home. If there have been no problems at the end of your Introductory Tenancy you automatically become a Secure Tenant.

We hope your introductory tenancy period is problem-free and that you'll go on to become a secure tenant. We'll always try to help you if you have any difficulties but you need to be aware of what will happen if you break the tenancy agreement.

RIGHTS

As an introductory tenant the law does not permit you to take in lodgers; sub-let, make improvements or exchange your home with another tenant during the introductory year. Though you do not have an automatic legal right to these things, you may, in exceptional circumstances, apply to the Association to take in lodgers, improve your home or exchange. Habinteg will decide if you can go ahead.

IF THERE ARE PROBLEMS

Most people will pass smoothly from their Introductory Tenancy to a secure tenancy. But we'll act quickly against anyone who breaks their tenancy agreement. We'll always investigate first to see if things can be sorted out - but if the problem is serious, or if the tenant won't co-operate with our efforts to find a solution, we'll take legal action to evict them straight away

ANTI-SOCIAL BEHAVIOUR

We must protect your community and Habinteg property, so if someone tells us that you've been acting in an anti-social way, we

will investigate the complaint thoroughly - collecting evidence, interviewing witnesses and talking to the police. If this shows that the complaint is justified we will take action. If the problem is quite minor we'll tell you to change your behaviour – we may also bring in a mediation expert. If you fail to alter your behaviour, or if your actions are of an extreme nature we will seek to evict you.

It is important to remember that you are not only responsible for your own behaviour. We would take action against you if the anti-social offender is someone living with you, or a visitor to your home. It doesn't matter where the nuisance happens – in your home, outside it or anywhere in the locality.

TAKING ACTION

If we want to evict a secure tenant we have to give them the chance to put their side of the story at a court hearing. It's then up to a judge to decide if the eviction can go ahead. If we have to evict an introductory tenant we can do it more easily and quickly.

REVIEW

We will tell you in writing if we're going to court to evict you. You could ask for a review of the case, but you must do this within 14 days. Habinteg staff members who have not been involved in the case before will look at the situation again to see if everything has been done correctly. You do not have the right to appeal against that decision. Habinteg will then seek an Order for Possession of your home from the court.

TERMINATING AN INTRODUCTORY TENANCY

This information is to guide you should Habinteg issue you with a Notice to Terminate which states that Habinteg intends to proceed to court and seek an order for possession of your home on grounds of antisocial behaviour. As an Introductory Tenant you have the right to request a review of this decision. Should you wish to contest the decision to end your tenancy, please make a written request within 14 days of receiving the Notice to Terminate.

There will be no further opportunity to put your case to Habinteg for consideration.

THE REVIEW PROCESS

You may choose to attend the review hearing in person or you may wish to make representation to the review panel in writing. Habinteg will notify you at least five days before the review of the date, time and venue of the hearing.

If you have chosen to attend the review you have the right to:

- be heard and to be accompanied by another person who may be a solicitor;
- call upon other parties to give evidence;
- put questions to any person who gives evidence at the hearing;
- make representations to the panel in writing.

The Deputy Chief Executive will review the case. The officers will not have been involved in the original decision to terminate your tenancy.

THE ROLE OF THE REVIEW PANEL

At the Review Hearing, the Review Panel will check that Habinteg has adhered to the correct legal procedures for ending your Introductory Tenancy and that the decision to terminate the tenancy is reasonable on the basis of the available evidence. You will receive notification of the Panel's decision.

COURT PROCEEDINGS

If the review accepts that the original decision to terminate your introductory tenancy was correct, Habinteg will apply to the court for an order for possession. You will be advised of the date of the hearing.

AFTER THE COURT HEARING

If Habinteg is granted an order for possession, your Introductory Tenancy will be terminated and you will be asked to leave your home.

If you choose to remain in the property, Habinteg will proceed to have the court order enforced through the Enforcement of Judgements Office.

ELIGIBILITY FOR HOUSING

If Habinteg is granted an order for possession of your home, you may be considered ineligible for housing assistance in the future.

GROUNDS FOR EVICTION

Overleaf, you will find a comprehensive list, detailing the grounds on which the courts will grant a possession order in the event of Habinteg issuing a Notice to Terminate.

GROUNDS FOR EVICTION

The tenant cannot be evicted unless the County Court grants a possession order to the Association. This can only be done on one or more of the following grounds:

1. Non payment of rent or breach of any of the conditions of tenancy as described here.
2. If the tenant or anyone living with the tenant is a nuisance to neighbours or is using the premises for immoral or illegal purposes.
3. Damage to the property (including any common areas) by the tenant or any person living in the dwelling
4. Damage to any furniture that the Association has provided, by the tenant or any person living in the dwelling.
5. Deliberately giving false information when applying for a tenancy.
6. If the dwelling was only given as temporary accommodation while the tenant's own home was being improved and those works have now been completed.
7. If the Association needs to gain possession in order to redevelop or rehabilitate the property.
8. Where accommodation specifically provided for a physically disabled person is occupied by a person who does not need such special accommodation, and it is wanted for letting to a disabled person.
9. If a person's continued occupation would conflict with the charitable objectives of the Association.
10. Where grouped accommodation has been provided for those with special needs and it is occupied by a person who has no need of the special service of facility provided and it is required for letting to a person who has these special needs.
11. Where a person has legally succeeded to a tenancy by virtue of being a member of the former tenant's family and the dwelling is under-occupied and the Association seeks possession between six and twelve months after the previous tenant's death.

The court shall not make the order for possession to the Association:

- (a) on any of the grounds 1-6, unless it is considered reasonable;

- (b) on the ground 7, unless suitable alternative accommodation will be available for the tenant;
- (c) on any of the grounds 8-11, unless it is considered reasonable and alternative accommodation will be available for the tenant;

Additionally, there has been an extension to Ground 2, Schedule 3 of the 1983 Housing Order.

HOW DO I FIND OUT MORE?

Habinteg's offices are open
Monday to Thursday, 8.45am - 4.45pm
and Friday 8:45am - 4:30pm

You can contact us during these hours
using the details below.



Habinteg
Housing Association (Ulster) Ltd

Hollywood Office

Alex Moira House
22 Hibernia Street
Hollywood . BT18 9JE

T 028 9042 7211

F 028 9042 8069

E info@habinteg-ulster.co.uk

North West Office

Habinteg House
2 Abercorn Road
Londonderry . BT48 6SA

T 028 7136 0015

F 028 7137 3986

E derryoffice@habinteg-ulster.co.uk

www.habinteg-ulster.co.uk