



Tenants First

HOUSING CO-OPERATIVE

Succession to a Tenancy

(What happens if a member of Tenants First dies)

1. What is this fact sheet about?

If you live in a property where the member dies, if they had a Scottish Secure Tenancy Agreement you may have a right, under certain conditions, to succeed to their tenancy. This fact sheet provides a summary of what to do if you wish to exercise this right and how the Co-operative will deal with your request. It does not affect your rights; it is not intended to have a contractual element and is not binding by law.

2. What is succession?

When a member dies there may be someone eligible to take over the tenancy. Bereavement can be a traumatic time but there are practical matters with which the Co-operative can help. Often if a member passes away other people are living in the home. The law sets out who can be considered to take over the tenancy (a 'Successor') and the order of priority in which they will be considered.

3. Who can succeed and who what is their priority?

In all cases the successor would have been required to have been staying in the property as their only or principle home at time of death. There are three levels of priority:

- a. *First Priority* – is spouse, partner or remaining joint tenant
- b. *Second Priority* – a member of the tenants family
- c. *Third Priority* – a carer of the late tenant

Succession could not take place from the second and third priority group if there was someone who wished to exercise their right from a 'higher priority' category.

4. What if there is more than one potential Successor?

The Co-operative would prefer such a situation to be discussed and agreed by the Successors involved. However, if this was not possible we would make a decision depending on the circumstances of the individual case.

5. What if you do not want to become the tenant?

You can stay in the property up to six months, during which time you would be responsible for paying the rent and complying with the terms and conditions of the tenancy agreement.

6. How long will it take?

The Co-operative aims to process your request within one month of receipt. However, if any information is missing we may refuse your application asking you to reapply with the missing information.

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7. What should you do next?

You should contact the Co-operative to explain the situation and advise of your request. You would need to confirm who else is living in the house, giving us details of their age and relationship to the deceased person

8. What happens next?

If the succession is granted and Membership is approved we will arrange an appointment with you to sign for the tenancy.

All applications will be considered individually and in accordance with any legal requirements. If permission is refused you should speak to your Housing Officer in the first instance. If you are not satisfied you can then contact the Housing Manager in relation to the Co-operatives Complaints Procedure.

If you would like more information and advice or would like to comment on your views of our service please contact us:

<p><u>Tenants First Housing Co-operative</u> 23 Albert Street, Aberdeen AB25 1XX Telephone 01224 628400, Fax 01224 628428 e-mail enq@tenantsfirst.com</p> <p>Office Opening Hours: Monday to Thursday - 8.30 am to 5.30pm Friday - 8.30am to 4.30pm.</p>	<p><u>Tenants First Housing Co-operative</u> 27 Slains Court, Peterhead AB42 2YF Telephone 01799 474282, Fax 01779 871969 e-mail enq@tenantsfirst.com</p> <p>Office Opening Hours: Monday to Thursday - 9am to 5pm Friday - 9am to 4.30pm. (between 12.30 and 1.30pm every day the office closes)</p>
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Please note that both offices close on Wednesday morning for training

Our web site address is www.tenantsfirst.com