

**Mid Devon District Council**

**Housing Services**

**Introductory Tenancy Policy**

**September 2013**

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## **Policy Statement**

Mid Devon District Council (MDDC) uses introductory tenancies and the purpose of this policy is to ensure that they are used effectively and fairly. Introductory tenants do not have all the same rights as flexible and secure tenants and consequently this policy should be read in line with other MDDC policies including flexible tenancies, succession and assignment, improvements to Council properties, anti social behaviour and also the Tenancy Agreement.

Unless there is significant change beforehand, the next review of this policy is due September 2017 and every four years thereafter.

## **General Information**

An introductory tenancy is a probationary tenancy with a 12-month 'trial period' issued to all new tenants who accept the offer of a tenancy in one of MDDC's properties. They will not be issued to tenants who transfer, unless they have an introductory or starter tenancy, or to tenants undertaking a mutual exchange.

This type of tenancy enables MDDC to closely monitor the 'trial period' of a tenancy. If the tenant complies with the conditions of the tenancy agreement, they will automatically become a flexible or secure tenant after 12 months, depending on their tenancy agreement.

## **Responsibilities under this policy**

In implementing this policy, MDDC's overall objectives are to:

- Ensure that tenants understand why MDDC use introductory tenancies
- Provide a fair and open system setting clear guidelines in relation to the expected behaviour of new tenants
- Help sustain new tenancies where they are failing
- Enable MDDC to deal effectively with breaches of tenancy agreements at an early stage
- Deter tenants from behaving anti-socially
- Encourage regular payment of rent

## **Sustaining Tenancies**

MDDC will ensure where possible that tenants have the capacity to sustain their tenancies. It is important for MDDC to consider any vulnerability when signing up new tenants. MDDC is attempting to provide housing for those in greatest need and to help tenants sustain their tenancies. Every effort is made to identify any support needs in order to ensure, where possible, help is available during the course of a tenancy.

At the sign-up stage, all introductory tenants will be provided with a tenant handbook for guidance and useful information. Housing Management Staff will also discuss the tenancy with the tenant and explain the legal status of the introductory tenancy. Introductory tenants do not have the same legal protection in a County Court as other tenure types and Housing Management Staff need to make sure tenants are aware of this.

Housing Management Staff will undertake post sign-up visits within six weeks of the sign-up to ensure the tenant is adhering to the tenancy terms and address any issues.

Tenants will be expected to abide by their tenancy agreement and the policies set out by MDDC.

If during the probationary period, there is any cause for concern; Housing Management Staff will approach the tenant in an attempt to discuss any difficulties. They will work with the tenant and other agencies (if applicable) to try to resolve any breaches. However, if they are not resolved or are of a serious nature for example non-payment of rent, anti-social behaviour or other serious breaches MDDC can:

- extend the Introductory Tenancy for a period of 6 months (therefore an 18 month introductory tenancy in total); or
- end the Introductory Tenancy.

Each case will be decided on its own merits and circumstances and this policy will be applied accordingly.

Requests for a review of the decision to end an introductory tenancy do not need to be made in writing so tenants can make a phone call to appeal the decision. Officers will treat such telephone calls as review requests and will endeavour to complete the form with the tenant whilst they remain in conversation.

## **Serving Notice to end the Introductory Tenancy due to tenancy breaches**

In cases where there is sufficient evidence to warrant commencing action by serving notice on the tenant, a Notice of Possession Proceedings will be issued. This Notice can be served, where appropriate, at any time during the course of the introductory tenancy. Court action can only be taken to end an introductory tenancy if the case is started in the Courts by the issue of

proceedings before the end of the introductory tenancy term. The tenancy will carry on as an introductory tenancy until the court case is determined.

Paperwork accompanying the notice, will inform the tenant of their right to request a review of MDDC's decision to serve notice. The request for the review must be made within 14 days of the service of the notice. Clear written guidance will be provided to the tenant regarding this process. Senior officers of MDDC, not involved in the decision to serve notice, will carry out the review.

Where processes have been followed, eviction will be pursued if this is felt to be the most appropriate action by the review panel. Where the panel does not uphold eviction proceedings, Housing Management Staff will need to discuss the way forward for the tenant about maintaining their tenancy.

Prior to the service of notice and subsequent eviction proceedings, MDDC will have provided tenants with the opportunity to resolve all issues that lead to this action being taken.

### **Decision to extend the probationary period of a tenancy**

Housing Management Staff may choose to extend the probationary period of an introductory tenancy for a further 6 months. This will be in cases where there is sufficient evidence for concern, but where it would not warrant possession proceedings being taken against the tenant. This may be where the breach of tenancy is of a relatively minor nature.

A tenant will be served a notice of the decision to extend an introductory tenancy within the 12 month probationary period. The notice can be served no later than 8 weeks before the end of the 12 month trial period.

Paperwork accompanying the notice, will inform the tenant of their right to appeal against MDDC's decision to serve notice. The request for the review must be made within 14 days of the notice being served. Clear written guidance will be provided to the tenant regarding this process. Senior officers of MDDC, not involved in the decision to serve notice, will carry out the review.

To extend an introductory tenancy, the relevant Notice needs to be served at least eight weeks before the twelve month expiry date.

If the tenant requests a review of the decision to extend the introductory tenancy, they must be given ten days' written Notice of the review date.

If the tenancy is extended, at the end of the 18 month trial period, the introductory tenancy will automatically become a flexible or secure tenancy. However, where breaches are not remedied or a further breach occurs, MDDC may decide to commence possession proceedings.