



## **CARE HOUSING ASSOCIATION**

### **TENANCY TERMINATION POLICY**

#### **1. Purpose**

This policy will provide guidance on the tenancy termination process.

#### **2. Policy Statement**

The aim of this policy is to set out Care's approach to ensuring that tenancies are ended correctly and that all parties fulfil their respective responsibilities. The key objectives supporting this aim are that:

- All tenants ending their tenancies are treated in a fair and equitable manner.
- Checks are carried out that tenancy conditions have been complied with and that outstanding rent is paid, damage is put right, recharges raised and the property is left clean and tidy
- The legal rights of the tenant and other members of the tenant's household are recognised and protected

There may be occasions when Care takes the decision to seek to terminate a tenancy, for example if a tenant has repeatedly breached the terms of their agreement. Such terminations are covered in other policies, including the Antisocial Behaviour Policy.

#### **3. Responsibility**

The designated officer responsible for implementation and monitoring of this policy will be the Chief Executive.

#### **4. Equality and Diversity**

We are committed to respecting diversity in all aspects of our work and we will not tolerate any form of discrimination.

#### **5. Commitment and Review**

Care will formally review this policy every three years. Care will consult with residents if material changes to this policy are proposed.

## TENANCY TERMINATION PROCEDURE

### 1. Notice Period and serving of notice

In order for a tenant to terminate their tenancy, they must give four weeks written notice, as outlined in the tenancy agreement (AST or Assured):

“If the Tenant wants to end the Tenancy, they may do so by giving the Association 4 weeks’ notice in writing. The last day of the 4 week notice period must be a Sunday.”

Care will accept written notices by letter or email from one of the following people:

- The tenant, where the tenant has capacity to do so
- The Court Appointed Deputy in cases where the tenant lacks capacity to terminate their tenancy within the Mental Capacity Act guidance (ie. Support providers, families and any other relevant person has been involved in the decision making process and an IMCA has scrutinised this)
- The Statutory Authority where the tenant lacks capacity and no Deputy has been court appointed.

### 2. Void Checks

Once notice has been served, the Housing Officer must visit the property to carry out checks as per APPENDIX A.

APPENDIX A

**Void Inspection**

**PROPERTY** \_\_\_\_\_

**TENANT** \_\_\_\_\_

**ROOM/FLAT** \_\_\_\_\_

**DATE MOVED** \_\_\_\_\_

**TTD** \_\_\_\_\_

**FORWARDING ADDRESS:**

\_\_\_\_\_  
\_\_\_\_\_

**REASON FOR LEAVING:**

\_\_\_\_\_  
\_\_\_\_\_

Is there any damage which needs to be repaired?

\_\_\_\_\_

Is this damage rechargeable to the tenant?

Does the room require decoration?

Does the room need to be re-carpeted?

Does the room have any adaptations?

Are there any tenant arrears? If Yes, how will they be paid?

Date of Inspection \_\_\_\_\_

Carried out by... \_\_\_\_\_

**VOID CHECKLIST**

<b>Task</b>	<b>Complete – Date</b>
Notice received	
Does the tenant have capacity to issue notice? If not, who has the notice been received from?	
Is the tenancy termination legally sound?	
Can it be proved that the decision has been taken in the best interests of the tenant, i.e. has the decision to terminate been supported by an independent advocate?	
Confirmed tenancy termination with nominating body	
Void room inspected	
Tenancy terminated on Housing Management Software	
Housing Benefit informed of tenancy termination	
Nominating body informed of tenancy termination	