

# Your Tenancy Explained

**Your tenancy agreement is the legal agreement you sign when you move in. It sets out your legal rights and our respective responsibilities so it is an important document. However we know these agreements can be complicated and so here are some frequently asked questions which may be useful.**

## What type of tenancy do I have?

We usually issue one of two main types of tenancies: an Assured Tenancy or an Assured Short hold Tenancy. Tenancies that started before 1989 will be secure tenancies.



## Starter Tenancy

When you first become a tenant of PCHA we will issue a Starter Tenancy which means we will monitor the way you manage your tenancy in the first 12 months. During this time we will want to hold a minimum of three planned visits with you; it is important you attend these meetings. If we are happy with the way you have managed your tenancy this will be automatically be converted to an assured tenancy at the end of 12 months

## Assured Tenancy

All new social rented tenants from 15 January 1989 have Assured Tenancies. Assured tenants have similar rights and security of tenure to secure tenants. However, there are some differences in the grounds on which we can take legal action to repossess your home. You cannot be evicted from your home without a court order. PCHA sets the rent in line with Government guidelines.

## Assured Shorthold Tenancy/ Fixed Tenancy

An Assured Shorthold Tenancy (AST) carries fewer rights than a Secure or Assured Tenancy. ASTs are sometimes issued for people or schemes with specific requirements (such as supported housing schemes), or to tenants who are not entitled to social housing (such as key workers). If you breach the terms set out in your tenancy agreement we can end your tenancy by serving you with a Section 21 notice and applying to the court for possession.



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## Secure Tenancies

Tenancies starting before 15 January 1989 are known as Secure Tenancies. One of the most important rights of a secure tenancy is that you cannot be evicted from your home without a court order, and that before this happens, we must have served an appropriate Notice of Intent to Seek Possession and give the reasons for serving it. This right and the others are all detailed in your Tenancy Agreement. The rent for secure tenancies are set by the Rent Officer.

## What is a Joint Tenancy?

If you have been given a Joint Tenancy with your partner, you will each have equal rights over the Tenancy and will both be jointly and equally responsible for meeting the tenancy obligations, such as paying the rent regularly.



## How can I change my Joint Tenancy into a Sole Tenancy?

Please talk to our Housing Manager who will try to help you. If both of you are in agreement, then the process is quite simple and you will both need to come into our office to sign a Deed of Assignment. In order to do this you must have a clear rent account and the size and type of property must be suitable for the household remaining. However, if both of you are not in agreement and only one wishes to give up the tenancy, you must seek independent legal advice. We cannot simply remove someone's name from the tenancy even if they no longer live there. If one tenant terminates the tenancy, this terminates the tenancy for both parties.

## How can I change my Sole Tenancy into a Joint Tenancy?

Any joint tenancy must be between you and your partner and you will need to prove that your partner has lived with you for at least a year. PCHA will then decide whether it can grant a Joint Tenancy. A new Joint Tenancy will not be granted if there are any outstanding rent arrears or other tenancy breaches.



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## What happens to my tenancy if my relationship breaks down?

If your relationship with your partner breaks down and you can no longer live together, you may become involved in a dispute about which of you will remain in the property. If this happens, you should seek independent legal advice regarding your occupancy rights.

The laws surrounding this matter are complex but you should note that in the case of divorce or where there are children involved, the Courts can decide who keeps the tenancy. In this case the tenancy may be awarded to the partner rather than the tenant.



## What happens if I change my name?

You will need to supply us with legal confirmation of any name change, a marriage certificate for example. Please send a copy of the documentation to the PCHA office.

**For more information please contact our team on [housing@pcha.co.uk](mailto:housing@pcha.co.uk) or call 0208 659 3055.**