

Waltham Forest Council

Introductory Tenancy Guide

for new tenants

This guide explains to new residents how the Introductory Tenancy scheme may affect them, if their Waltham Forest tenancy agreement is breached.



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Introduction

Waltham Forest Council wants to make the borough a safer place to live and improve the general quality of life for residents.

It is important that new tenants adhere to the tenancy conditions. Introductory Tenancies will help the Council get this message across and take swift action to end tenancies, when tenancy conditions are broken. Following a full tenants' consultation and the approval of the Council's Cabinet decision, Waltham Forest Council operates the Introductory Tenancy Scheme, which came into effect on 4 May 2009.

This guide has been produced to answer some of the questions tenants may have about Introductory Tenancies.

What is an Introductory Tenancy?

An Introductory Tenancy is a probationary period for all new tenants. After this probationary period (initially for 12 months but can be extended by the Council to a maximum of 18 months in total), if the tenancy is deemed to have been conducted satisfactorily, the tenancy will automatically become a secure tenancy. However, if the Council believes that the conduct of a tenancy has been unsatisfactory, it may be terminated by an administrative decision by the Council or its nominated agents, subsequently confirmed by the Court, if the process has been followed correctly.

What are the differences between Introductory Tenants and Secure Tenants?

Introductory Tenants have fewer legal tenancy rights than Secure Tenants. The table below summarises the main differences.

Please note that many of the rights listed are not absolute rights.

Legal Rights	Introductory Tenant	Secure Tenant
Right to take in lodgers	X	✓
Right to sub-let part of their home	X	✓
Right to structurally change or improve	X	✓
Right to compensation for improvements	X	✓
Right to join the transfer list	X	✓
Right to transfer (or apply to transfer) to another council home (except in emergency situations i.e. fleeing violence or where a high medical priority has been given)	X	✓
Right to mutual exchange with another tenant	X	✓
Right To Buy the home	X	✓

What will happen during the 12-month tenancy?

The tenancy will be monitored and Council's Officers and nominated agents will carry out random spot checks, ensuring that the tenant is complying with the tenancy agreement. If there are any breaches of the tenancy agreement, the Council will let the tenant know, so that they can put them right. Breaches of tenancy conditions will be investigated carefully and if proven and not resolved, the Council will take action to end the tenancy. However, if in the opinion of the Council the breach is very serious (for example drug taking, drug dealing, or prostitution, assault etc.), the Council may decide to end the Introductory Tenancy without allowing the tenant the opportunity to try and put things right.

What are breaches of tenancy conditions'?

The Council may decide to end the tenancy if any tenancy conditions are breached, for example, [but not limited to]:

- damage to the property
- not maintaining gardens
- anti-social behaviour in communal areas
- failure to pay the weekly rent
- causing any type of harassment
- using the property for illegal purposes, for example drug dealing, prostitution
- if the tenancy was obtained by giving false information
- committing domestic violence
- committing behaviour which causes distress or annoyance to neighbours
- not occupying the property as their only or principal home
- throwing things from the property or
- breach of any other tenancy condition

The full tenancy conditions can be found online at www.aschamhomes.org.uk or at London Borough of Waltham Forest website www.walthamforest.gov.uk

**It is important to keep to the terms
of the tenancy agreement**

If the tenant is not causing the breach

The tenant is not only responsible for their own behaviour, but will also be held responsible for breaches caused in the property and locality by:

- their partner
- their own children
- visitors to their home
- members of their family or
- any animal kept at the property

Extending Introductory Tenancies

The Council has the right to extend an Introductory Tenancy by a further six months [to a maximum of 18 months], if they are investigating a breach of tenancy or they have started Court action to end the tenancy. To do this, they must serve the tenant with a legal document called a Notice of Extension, before they take action to extend the tenancy.

The Notice of Extension will explain the reason(s) why the Council has decided to extend the Introductory Tenancy. The Notice of Extension will also explain the tenant's right to request a Review of the Council's decision to extend the tenancy.

Ending an Introductory Tenancy

The Council has a duty to ensure that they are being fair and equitable when dealing with an alleged breach of tenancy. If the Council decides to end an Introductory Tenancy, they will serve the tenant a Notice of Proceedings for Possession.

The Notice of Proceedings for Possession will explain the reason(s) why the Council is seeking to end the tenancy. It will also give a date (which must not be less than 28 days from the date the Notice was served), after which the Council intends to apply to the County Court for a Possession Order. The Notice of Proceedings for Possession will also explain the tenant's right to request a Review of the Council's decision to end the tenancy, advise the tenant that if they need help or advice about the Notice and what to do about it (i.e. to take it immediately to a Citizens' Advice Bureau, a housing aid centre, a law centre or a solicitor).

Notice of Proceedings for Possession

If the tenant receives a Notice of Proceedings for Possession from the Council, it means that after a certain date [which is set out within the Notice], the Council intends to apply to the Court to obtain a Possession Order. If this happens, the tenant will have the right to request a Review of the decision to evict the tenant. A Review Request Form will be attached to the Notice.

Reviewing a decision to end or extend an Introductory Tenancy

If the Council serves a Notice of Extension or Notice of Proceedings for Possession, an introductory tenant has the right to ask for a Review of the Council's decision. However, a tenant only has the right to a Review hearing if they tell the Council that they want a Review. To do this, the tenant must return the Review Request Form and it is **received** by the Council's nominated agents (Ascham Homes) within **14 days** of the date the Notice of Proceedings for Possession or Notice of Extension was served.

If the tenant's Request for a Review is not received by the Council's nominated agents within 14 days of the date of service of the Notice of Proceedings for Possession or Notice of Extension, they will lose their right to a Review and cannot ask for another one.

If a Review Request is received within the 14 day time limit, the Council will then arrange a Review hearing and inform the tenant of the time and place, within 7 days.

What does a Review involve?

The Review will be dealt with at a Review hearing. Review hearings are held by a panel of independent and experienced senior housing officers.

The Review will be carried out by officers, who:

- were not involved in the original decision to end or extend the tenancy,
- do not have any interest in the outcome of the hearing and
- have not had any prior contact with the tenant or presenting officers on the case

The tenant will have the right to attend the Review hearing, take someone with them, send someone to represent them and speak or ask questions at the Review hearing. They could also make a written representation if the tenant does not want to or can't attend.

The Review Panel will consider the tenant's case, based on the statement in the Review Request Form and the evidence provided by both the tenant (or by the person the tenant has nominated to send to the Review hearing), any further written representations submitted by the tenant, the Tenancy Services Officer / Rent Income Officer or any other witnesses.

AFTER THE REVIEW PANEL'S DECISION

Extension

If the Review Panel finds in the tenant's favour, the Notice of Extension will be withdrawn. The Introductory Tenancy will continue un-extended and will convert to a secure tenancy on the first anniversary date, unless a further a Notice of Extension or Notice of Proceedings for Possession is served. However, if the Review Panel finds in favour of the Council, the Introductory Tenancy will be extended for a period of 6 months from the first anniversary date of the tenancy.

Termination

If the Review Panel finds in the tenant's favour, the Notice of Proceedings will be withdrawn. The Introductory Tenancy will continue un-extended and will convert to a Secure Tenancy on the first anniversary, unless a further Notice of Extension or Notice of Proceedings for Possession has been served. However if the Review Panel finds in favour of the Council, the Council may then request the Court to evict the tenant, unless arrangements are made and kept to the Council's satisfaction. Any arrangements made are within the Council's sole discretion.

Court Action

If the Council applies to the Court to obtain a Possession Order against an Introductory Tenant, providing the Court is satisfied that the Council has properly followed procedures and the tenant has been served with a valid Notice of Proceedings for Possession, the Council will be granted a Possession Order of the tenant's home. This would be without adjournment, delay or stay of warrant and the tenant will have to vacate the property within no less than 14 days and no more than 6 weeks.

Obtaining information and advice on the tenancy

Any tenant who would like further information about their rights and obligations as an Introductory Tenant or if they are having any issues with their tenancy, are advised to contact their Tenancy Services Officer / Rent Income Officer.

The officer will give the tenant information and advice about their Introductory Tenancy and can tell them about or refer them to support agencies that may offer further assistance.

Below are a few advice sources that a tenant may contact:

- **London Borough of Waltham Forest Supporting People Team**

Silver Birch House, Uplands Business Park, Blackhorse Road,

Walthamstow, London, E17 4GG

Telephone: 0208 496 3000

Email: supporting.people@walthamforest.gov.uk

- **Local Citizens' Advice Bureau**

Website: www.citizensadvice.org.uk

167 Hoe Street, Walthamstow, London, E17 3AL

and

547-551 High Road, Leytonstone, London, E11 4PB

- **Local councillor**

Telephone: 0208 496 3000

Website: www.walthamforest.gov.uk

- **Local law centre**

Telephone: 0207 833 2931

Website: www.lawcentres.org.uk

- **Local solicitor**

Telephone: 0207 242 1222

Website: www.lawsociety.org.uk

Glossary of terms

Adjournment	The act of putting off, to suspend proceedings to another time or another day.
Court Order	An Order issued by a Court that requires a person to do or not to do a specific acts or acts.
Extending Introductory Tenancies	The duration of an Introductory Tenancy may be increased by six months in cases where there are continuing doubts about the conduct of a tenant; or in cases of anti-social or nuisance behaviour.
First Anniversary Date	The date which is 12 calendar months from the start date of the Introductory Tenancy.
Introductory Tenancies	A type of probationary tenancy offered to all new tenants by local authorities operating this scheme. This trial period usually lasts for twelve months, before the tenant becomes secure.
Introductory Tenants	A new tenant who has been granted a tenancy by a local authority, who operates an Introductory Tenancy scheme.
Nominated Agent	The organisation nominated by the Council [i.e. Ascham Homes Limited] to monitor Introductory Tenancies and if necessary, take steps on the Council's behalf to end or extend Introductory Tenancies.
Notice of Extension	A Notice that allows the Council to extend an Introductory Tenancy by a further six months.
Notice of Proceedings for Possession	A Notice served by the Council to end an introductory Tenancy. The Notice states how the Council alleges the tenant has failed to comply with the terms of their tenancy and will give a date before, which Court action will not be started. The Notice lasts a year from when it is served, and Court action can be started at any time within that year.
Possession Order	A legal document from Court, informing the tenant that the Introductory Tenant must leave their home on a specific date.
Rent Income Officer	An officer who is responsible for all rent accounts income and recovery of debts.
Review Panel	A group of independent and experienced senior housing officers, who will carry out a Review of the Council's decision to end or extend an Introductory Tenancy. The Panel Members would have not been originally involved in the decision to evict the tenant.
Review Request Form	A form which the tenant has the right to Request a Review of the Council's decision to end or extend their Introductory Tenancy.
Reviewing a decision	The group of senior housing officers will consider the tenants' case, any representations and the evidence provided by Officers of the Council.
Secure Tenant	A tenant who has been granted a secure tenancy by the Local Authorities.
Tenancy Agreement	A legal signed housing contract, explaining what the Council expects from the tenant and what the tenant can expect from the Council, as a landlord.
Tenancy conditions	The Conditions of Tenancy is a set rules that all tenants in Council homes agree to live by and follow and set out the obligations of the Council.
Tenancy Services Officer	An officer who provides housing management services to residents. Ensuring that the tenancy agreement is adhered to and managing anti-social behaviour.

Comments

This is our first guide for this scheme. We welcome comments about how helpful this guide has been in explaining this scheme to residents.



For more information

Visit: You can visit us at Ascham Homes, Customer Services, 869 Forest Road, Walthamstow, London, E17 4UH – open hours Monday to Friday from 9.00 am to 5.00 pm or

Ascham Homes, 16 Morris Avenue, Billericay, Essex, CM11 2JR – open hours Tuesdays and Thursdays from 9.00 am to 11.00 am

Write: You may write to us at Ascham Homes, Policy and Development Team, 869 Forest Road, Walthamstow, London, E17 4UH

Website: Visit our website at: www.aschamhomes.org.uk

Email: Email us on: feedback@aschamhomes.org.uk

Telephone: Phone Ascham Direct on 0208 496 4197 – Lines are open Monday to Friday from 8.00 am to 8.00 pm. Minicom: 0208 527 1750 and quote AH 192.



Wheelchair accessible



Induction loop provided

The contents of this guide are for general information only. If you have any concerns about your personal situation, you are recommended to seek independent legal advice from a solicitor, Citizen's Advice Bureau or other qualified legal advisers.

This Introductory Tenancy Guide tells you about how the scheme may affect new tenants if their Waltham Forest Tenancy Agreement is breached. A copy of this guide is also available in the following community languages (Bengali, Gujarati, Somali, Turkish and Urdu). If you would like to obtain a large print or speak with an interpreter about this guide, please contact Ascham Direct on 020 8496 4197 and quote AH 192 or tick the appropriate box and write your name, address and telephone number and return to the address below.

Interpreter

Large Print

এই পরিচায়ক প্রজ্ঞাপন নির্দেশিকা কীভাবে পরিকল্পনাটি নতুন ভাড়াটেরদের ক্ষতিগ্রস্ত করতে পারে যদি তাদের ওয়ালথাম ফরেস্ট প্রজ্ঞাপন চুক্তি ভঙ্গ করা হয় সেই বিষয়ে আপনাকে জানাবে। এই নির্দেশিকার একটি নকল নিম্নলিখিত গোষ্ঠীর ভাষাগুলিতেও লভ্য (বাংলা, গুজরাটি, সোমালী, তুর্কী এবং উর্দু)। আপনি যদি বড় ছাপার অক্ষরে নকল চান অথবা এই নির্দেশিকার বিষয়ে একজন দোভাষীর সাথে কথা বলতে চান, তাহলে অনুগ্রহ করে 020 8496 4197 নম্বরে অ্যাসচাম ডাইরেক্ট-এর সাথে যোগাযোগ করুন এবং AH 192 উল্লেখ করুন অথবা উপসূত্র খোপে টিক চিহ্ন দিন এবং আপনার নাম, ঠিকানা এবং টেলিফোন নম্বর লিখে নীচের ঠিকানায় ফেরৎ পাঠান।

দোভাষীর

বড় ছাপার অক্ষরে

Bengali

આ પ્રાસ્તાવિક ભોગવટો માર્ગદર્શિકા તે દર્શાવે છે કે જો નવા ભાડૂતની વેલ્થમ વન ભોગવટો સમજૂતીમાં ભંગાણ પડે તો આ સ્કીમની તેમના પર કેવી અસર થાય. આ માર્ગદર્શિકાની નકલ ળીજી લિમ્લિમિત ભાષાઓમાં પણ ઉપલબ્ધ છે. (બંગાળી, ગુજરાતી, સોમાલી, તુર્કી અને ઉર્દુ). જો તમારે આ માર્ગદર્શિકાની મોટી પ્રિન્ટ મેળવતી હોય અથવા તો તે અંગે દુભાષિયા સાથે વાત કરવી હોય તો સમ્પર્ક સાધો, એસએમનો સીધો 020 8496 4197 પર અને ટાંકો AH 192 અથવા યોગ્ય બોક્સ પર ટિક કરો. અને તમારું નામ સરનામું અને ટેલીફોન નંબર લખીને નીચેના સરનામે મોકલી આપો.

દુભાષિયા

મોટી પ્રિન્ટ

Gujarati

Hagahan kireysiga ee hordhaca ah waxa uu kuu sheegayaa sida uu nidaamkani u saameyn doono kirestayaasha cusub hadii ay jabiyaan Heshiiska Kireysiga ee Waltham Forest. Nuqul ka mid ah hagahan ayaa sidoo kale ku heli kartaa lugadaha bulshooyinkan soo socda (Bengali, Gujaarati, Soomaali, Turki iyo Urduu). Hadii aad rabto daabacaad far waayen ku qoran in aad hesho ama aad hagahan turjumaan kala hadasho, fadlan la soo xidhiidh Ascham Direct 020 8496 4197 una sheeg tiradan AH 192 ama sax godka ku haboon kuna qor magacaaga, cinwaankaaga iyo telefoon lambarkaaga kuna soo celi cinwaanka hoos ku qoran.

Turjubaan

Dabacaad Farwaaweyn Ku Qoran

Somali

Elinizdeki bu broşürde bir yıllık "deneme" süresi olan ve "Introductory Tenancy" denilen kısa süreli kira sözleşmesiyle ilgili bilgiler verilmekte, Waltham Forest Belediye Evleri Kira Sözleşmesine aykırı hareket ettikleri takdirde yeni kiracılara karşı alınacak önlemler ve uygulanacak işlemler anlatılmaktadır. Broşür Türkçe'ye de çevrilmiş olup Türkçe baskısını doğrudan okumak, iri harfli baskısını edinmek veya bu konuda Türkçe bilen bir tercümandan bilgi almak istiyorsanız lütfen 020 8496 4197 numaraya telefon ederek AH 192 referans numarasını belirtip *Ascham Direct* ile iletişim kurunuz. Ya da uygun kutucuğu işaretleyip adınızı, soyadınızı, adresinizi ve telefon numaranızı yazdıktan sonra bunu aşağıdaki adrese gönderiniz.

Sözlü çevirme

İri harfli baskı

Turkish

یہ تعارفی کرایہ داری گائیڈ آپ کو بتاتی ہے کہ سکیم نئے کرایہ داروں پر کیسے اثر انداز ہوسکتی ہے اگر ان کے والتھم فاریسٹ کے ساتھ کرایہ داری کے معاہدے کی خلاف ورزی کی جاتی ہے۔ اس گائیڈ کی ایک نقل برادریوں کی مندرجہ ذیل زبانوں میں بھی مل سکتی ہے (بنگالی، گجراتی، صومالی، ترکش اور اردو)۔ اگر آپ یہ بڑی چھپائی میں حاصل کرنا چاہیں یا اس گائیڈ کے بارے میں کسی مترجم سے بات کرنا چاہیں، تو برائے کرم، ایشیم ڈائریکٹ سے 020 8496 4197 پر رابطہ قائم کریں اور AH 192 کا حوالہ دیں یا مناسب خانے میں نشان لگائیں اور اپنا نام، پتہ اور ٹیلی فون نمبر لکھیں اور اس کو نیچے دئے گئے پتہ پر واپس بھیج دیں۔

بڑی چھپائی

مترجم

Urdu

Tenant's name: _____
 Tenant's address: _____
 Telephone number: _____

Please return to: Ascham Homes, Policy and Development Team, Willow House,
 869 Forest Road, Walthamstow, London, E17 4UH