
Subletting your home



If you need information from Moray Council in a different language or format, such as Braille, audio tape or large print, please contact:

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Jeśli potrzebują Państwo informacji od Rady Okręgu Moray w innym formacie, takim jak alfabet Braille'a, kasyety audio lub druk dużą czcionką, prosimy o kontakt:

Se necessitar de receber informações por parte do Concelho de Moray num formato diferente, como Braille, cassette áudio ou letras grandes, contacte:

Ja Jums vajadzīga informācija no Marejas domes (*Moray Council*) citā valodā vai formātā, piemēram, Braila rakstā, audio lentā vai lielā drukā, sazinieties ar:

اگر آپ کو مورے کونسل سے کسی دیگر زبان یا صورت میں معلومات درکار ہوں مثلاً "بریلے، آڈیو ٹیپ یا بڑے حروف، تو مہربانی فرما کر رابطہ فرمائیں:

Housing and Property
PO Box 6760
Elgin
IV30 1BX

0300 123 4566
housing@moray.gov.uk

Contents

What is subletting?	5
Why would I want to sublet my home?	5
Can I sublet my home?	5
How to apply	6
What are the conditions of subletting my home?	7
Length of the sublet	7
Amount of rent	7
Increase in rent	8
Living in your home	8
Change in circumstances	8
Ending the sublet	8
What will happen if I sublet the property without permission?	8
When will you not give me permission to sublet my home?	9
What if I don't agree with the decision?	10
More information	10

We review our leaflets regularly to make sure you have the most up-to-date information. However, the content of this leaflet is only correct at the time it is published.

What is subletting?

If you are a tenant and you rent all or part of your home to someone else, this is called subletting. The person who rents is a subtenant.

Why would I want to sublet my home?

You may want to sublet your home because you need to go away for a period of time due to:

- work commitments;
- family commitments (for example, to care for someone); or
- long-term travel plans.

Can I sublet my home?

If you have a Scottish secure tenancy or a short Scottish secure tenancy, you can sublet all or part of your home but only if:

- you have been the tenant of the property for 12 months immediately before applying; or
- you have lived in the property as your only or main home for 12 months immediately before applying and the tenant notified us you were living there; and
- you have our permission in writing.

If you move out of your home without our permission and don't plan to return, you may lose your tenancy rights. This is because you can only be a Scottish secure tenant or short Scottish secure tenant while the property is your only or main home.

How to apply

If you want to sublet all or part of your home, you apply to us for permission.

You can get an application form by:

- visiting our website:
www.moray.gov.uk/housing
- phoning us:
0300 1234 566
- visiting your local access point:
please find our contact details at the end of this leaflet

Please fully complete the application form with all the information we need to make the decision. If you have a joint tenancy or have a husband, wife or civil partner, you must get their agreement to sublet your home.

Sometimes, we may arrange a brief interview for more information. Once we have all of the information we need, we will give you our decision in writing within 28 days of getting your application. If we don't respond to you within 28 days, please consider that we have given our permission to your application to sublet your home.

What are the conditions of subletting my home?

If we give you our permission to sublet your home, you are still our tenant and you will still be responsible for paying rent to us, for any damage to the property caused by the subtenant, and if the subtenant breaks the tenancy conditions in any other way, for example, antisocial behaviour.

We will tell you about the conditions in your approval letter. The following conditions will apply:

Length of the sublet

We will only give you our permission for a six months sublet. We will then review the application and may extend the permission to sublet for a further six months, after which the sublet will end. The maximum time period for subletting all of your home is 12 months. At the end of the sublet, you must return to live in your home. If you do not want to live in your home, we will tell you how to end your tenancy. You may get permission to sublet part of your home for longer.

If you have a short Scottish secure tenancy, the sublet will not be longer than length of your tenancy.

Amount of rent

You will still be responsible for paying rent to us. The amount of rent you charge your subtenant should be reasonable. This does not mean that the amount of rent you charge cannot be more than the amount of rent you pay us. You may need to charge extra, for example, to cover costs of more furniture and insurance. We will assess each case individually.

Increase in rent

You must get our permission in writing before you increase the amount of rent you charge the subtenant.

Living in your home

The subtenant, and the household members you told us about in your application, may live in your home. At the end of the sublet, you must either return and live in the house as your main home, or end your tenancy. If you don't, we may take action to end the tenancy and repossess the property. The subtenant will have to move if your tenancy is ended. They will not qualify for the tenancy in any way.

Change in circumstances

You must tell us about any change in circumstances relating to the sublet.

Ending the sublet

If you decide that you no longer want to sublet your home you must ask the subtenant to leave. This is your responsibility and not ours. If your tenancy ends and the subtenant stays in your home, we will take legal action to remove them. We may charge you the costs involved.

What will happen if I sublet the property without permission?

If you sublet your home without our permission and/or charge an unreasonable rent for any sublet this will be a breach of your tenancy conditions. We may consider legal action against you to end your tenancy.

When will you not give me permission to sublet my home?

We will not give you permission to sublet your home if we have justified reasons for doing so, such as:

- we have served a notice on you warning that we may take action to evict you because of your behaviour;
- we have an order to evict you;
- the rent or charges, such as a deposit, you aim to charge are not reasonable;
- the planned change would mean the house would be overcrowded under the Housing (Scotland) Act 1987;
- you are leaving for an indefinite period and can't tell us when you will return (you would not be meeting your responsibilities of the tenancy agreement and we may take action to repossess the property); or
- the proposed subtenant has been carried out or been convicted of antisocial behaviour in the last 12 months or has a current antisocial behaviour order.

If we refuse your request we will tell you why but we will not unreasonably withhold our permission.

If you do not give us all of the information that we need to make our decision within 28 days we may not give you our permission and you will be advised to apply again when you have all of the information.

What if I don't agree with the decision?

If you are not satisfied with the decision, you can appeal in writing to:

**Housing Services Manager,
Moray Council,
PO Box 6760,
Elgin
IV30 1BX**

If you are still not satisfied with our decision you have the right of appeal by summary application to the Sheriff court. The court must order us to agree to the application unless it considers that the refusal is reasonable.

More information

For more information, please contact us. Contact details are on the back page.

For additional advice about subletting you may want to get independent legal advice.

Contacts

Housing and Property
PO Box 6760
Elgin
IV30 1BX

0300 123 4566
housing@moray.gov.uk

Access Points

Buckie Access Point

13 Cluny Square
Buckie
AB56 1AJ

Forres Access Point

Auchernack
High Street
Forres
IV36 1DX

Elgin Access Point

Council Office
10 High Street
Elgin
IV30 1BY

Keith Access Point

The Resource Centre
26 Mid Street
Keith
AB55 5AH

