



## OTHA Tenant Information Leaflet

### What happens if my circumstances change?

This leaflet tells you about our response to changes that you may have to face

#### **What happens if my circumstances change?**

Changes in your household can cause considerable difficulty to you. We recognise the need to be sensitive and as helpful as possible when things do change. Here are some of the most common changes:

##### **Changes in Your Household**

Your household may increase or decrease over a period of time. You should tell us of any change in who lives in your home within 4 weeks of the change. Members of your family can live with you as long as this does not cause overcrowding. Whether your property is overcrowded would depend on its size and the number and ages of people who are living in it.

If your family size has increased naturally and your home is now too small, you should apply to us for a transfer. You will not be held to be in breach of the tenancy condition on overcrowding whilst a transfer is pending. This does not apply if someone moves in with you.

##### **Relationship Breakdown**

If you have a joint tenancy, or have been the partner of a tenant and your relationship breaks down, please contact your housing officer as soon as you are able to discuss the implications for your rights.

You may agree with your ex partner who is to stay in your home. We will act on any agreement reached to end a joint tenancy or sign the tenancy over to one partner's name.

If you cannot reach agreement, under the Matrimonial Homes (Family Protection) (Scotland) Act 1987, either party to a 'matrimonial dispute' may apply to the Sheriff Court for an order to transfer the tenancy to their sole name. The court often gives the tenancy to the person who is given custody of the children. If you are facing such a change in your relationship, we suggest that you do need to discuss matters with your solicitor.

If your ex-partner has left the property, but remains your joint tenant, we have powers to terminate their interest in the property by serving of notices.

##### **What Happens if the Tenant Dies?**

Your tenancy agreement gives a detailed account of who has the right to succeed to your tenancy if you die. The tenancy will pass to any surviving joint tenant or spouse/co-habiting partner who resides in the property as their principal home. For a cohabiting partner to succeed to your tenancy, they must also have lived in the property for 6 months at the time of death.

If there is no one in the above categories who qualifies or who wishes to succeed to

your tenancy, another close relative can succeed on the conditions that they:

- have lived in the property for 12 complete months prior to the death;
- use the house as their only or main home;
- are 16 years or older;
- tell OTHA that they wish to succeed the tenancy within one calendar month of the death.

Finally, it is possible for a carer to succeed if

- he or she is aged at least 16 at the date of death;
- the house was his or her only or principal home at the date of death;
- he or she gave up another only or principal home before the death of the tenant;
- he or she is providing, or has provided, care for the tenant or a member of the tenant's family.

Anyone who wishes to succeed should notify the association within 28 days of the tenant's death. If there is a dispute as to who should succeed, the association will decide the outcome. Please contact your housing officer should you have any further questions on this issue.

### **New Relationship**

If you have a new partner or other household member you can apply for them to become a joint tenant.

We will not unreasonably withhold our consent. Both parties will be liable for the rent and other obligations of the tenancy.

### **Need for Support or Adaptations**

If you are finding it hard to manage in your home due to changes in your physical or mental condition, you should seek advice from your housing officer. The association works with a number of support agencies that can provide support in relation to tenancy matters including SAMH, Turning Point Scotland, the Salvation Army, Key HA, Barnardos, Carr Ghom and the Community Mental Health Team. The Social Work Services of Inverclyde Council also provide services to many of our tenants including the provision of home helps and home care workers.

We can arrange adaptations such as grab rails, ramps or shower installation to help you live in your home. This is done on the advice of the occupational therapist.