



Cassiltoun Housing Association

POLICY Joint Tenancies

Date Approved	Proposed Review Date
January 2026	January 2029

CASSILTOUN HOUSING ASSOCIATION LIMITED
59 Machrie Road, Castlemilk, Glasgow G45 0AZ

CASSILTOUN HOUSING ASSOCIATION IS A REGISTERED SOCIAL LANDLORD (84) AND A REGISTERED SCOTTISH CHARITY (SC035544) & Property Factor Registration No. PF000154

Contents

- 1. Background**
- 2. General Principles**
- 3. Eligibility Criteria**
- 4. Assessing an Application for a Joint Tenancy**
- 5. Appeals Procedure**
- 6. Equal Opportunities and Human Rights Statement**
- 7. Processing Information – General data protection Regulation**
- 8. Policy Review**

1 Background

Cassiltoun Housing Association Limited is a Registered Social Landlord (RSL) with the Housing Regulator, and was registered with its forerunner, Communities Scotland and the Housing Corporation in Scotland, in 1985.

The Association is committed to providing high quality, affordable and accessible social rented housing to those in greatest housing need, contributing to the physical, social and economic regeneration of the area, the provision of housing for people with specialised needs and to provide a safe environment for our residents to enjoy.

The Association is committed to security of tenure for the household as a whole and will encourage joint tenancies at the beginning of a tenancy where appropriate.

A Joint Tenancy ensures that all parties have the same rights and responsibilities under the Scottish Secure Tenancy Agreement. A joint tenancy can be created at the commencement of a Tenancy between any two or more persons who were joint housing applicants. Thereafter the existing tenant can apply to the Association in writing for the creation of a joint tenancy.

This Policy outlines Cassiltoun's requirement to accept and consider any application for the creation of a joint tenancy as set out in the Housing (Scotland) Act 2001 as amended by the Housing (Scotland) Act 2014.

2 General Principles

Tenants have the right to apply to change their tenancy from a sole to a joint tenancy provided the eligibility criteria outlined in this policy are met.

Consent to a joint tenancy will only be given by the Association after consideration of the circumstances of the tenant and the proposed joint tenant(s).

It is the responsibility of the joint tenants to advise the statutory authorities, including Council Tax, Housing Benefit, Department of Works and Pensions (Universal Credit), gas, electricity and telephone suppliers, of the creation of a joint tenant(s) as all tenants will be equally liable for any payments and debt accrued.

3 Eligibility Criteria

In accordance with the Housing (Scotland) Act 2014 the Association will only permit an application for joint tenancy when the proposed joint tenant has lived at the property as their only or principal home for the 12 months prior to the tenant applying in writing for them to become a joint tenant.

The tenant, joint tenant or proposed joint tenant must have notified the Association in writing that the person that they wish to become a joint tenant is living in the property. The 12-month qualifying period does not

start until the Association has been notified and given consent (in writing) to the person who must be living in the property as their only or principal home.

The 12-month period applies to anyone wanting to be a joint tenant including the tenant's spouse, civil partner or co-habiting partner.

The proposed joint tenant must be approved by the Association, who will require a satisfactory report from any former landlord within the last 5 years.

The Association will accept notification in writing or by e-mail. We will not accept verbal notification. In the case of children in the household reaching the age of 16, who were part of the household when the property was allocated and it is their long term and principal home, no further notification is required.

Please note that if three or more people apply to be Joint Tenants and they are not related, this will be refused as the let would create a House of Multiple Occupation (HMO).

4 Assessing an Application for a Joint Tenancy

The assessment of applications for joint tenancy will take account of both the tenant's and the joint tenant's circumstances and in all cases must satisfy the criteria set down in the Scottish Secure Tenancy and Section 32 of the Housing (Scotland) Act 2001 as amended by the Housing (Scotland) Act 2014.

The Association will not withhold consent unreasonably, but may refuse to consent to the creation of a joint tenancy on grounds which include: -

- Where the existing tenant has not used the property as their only or principal home for the preceding 12-month period.
- A Notice of Proceedings for Recovery of Possession has been served on the tenant specifying one of the 'conduct' grounds set out in paragraphs 1-7 of Schedule 2 of the Housing (Scotland) Act e.g. rent arrears, anti-social behaviour.
- A Court Order for Recovery of Possession has been granted against the tenant.
- The Association has reason to believe that a payment has been received by the tenant in cash or in kind, in consideration of the joint tenancy request.
- There is substantial damage to the property caused by the tenant, a member of the household or a visitor to the property.
- The Association intends to carry out substantial work on the property.
- The property was designed or substantially adapted for a person with additional needs (e.g. for wheelchair use) or additional services (e.g. sheltered housing) which are not required by the joint tenant.
- The proposed joint tenant has been involved in the perpetration of anti-social behaviour as confirmed by another agency e.g. Police Scotland or has had an ASBO granted against them or a member of their household within the last 3 years.
- The house is unsuitable for the prospective joint tenant's needs.
- Either party has given false or incomplete information about the application.
- The Association would not give the prospective joint tenant reasonable preference under our Allocation Policy.
- There are current outstanding rent arrears or rechargeable repairs charges owed to the Association.
- An unsatisfactory report is received from the proposed joint tenant's previous landlord in respect of damage to property, rent arrears or anti-social behaviour.
- Where this would create an HMO.

This list, while comprehensive is not exhaustive and each application will be fully assessed by a member of the Operations Team before granting or refusing consent.

5 Appeals Procedure

Any applicant unhappy about a decision relating to a joint tenancy request must submit a written appeal to the Housing Manager within 28 days of receiving the decision.

The Housing Manager will review the appeal and provide the applicant with the result of their decision in writing.

If the applicant is still dissatisfied, recourse can be sought through the Association's Complaints Policy and Procedure.

6. Equal Opportunities and Human Rights Statement

We recognise our pro-active role in valuing and promoting human rights diversity, fairness, social justice and equality of opportunity by adopting and promoting fair policies and procedures. We will check this policy and associated procedures regularly for their equal opportunity implications, taking appropriate action to address inequalities likely to result or resulting from implementation of the policy and procedures. We are committed to providing fair and equal treatment to all applicants and tenants and will not discriminate against any on the grounds of race, colour, ethnic or national origin, religion, age, gender sex, sexual orientation, marital status, family circumstances, employment status or physical ability. This policy takes into consideration the rights under Article 8 of the ECHR.

7. Processing Information – General Data Protection Regulations

Cassiltoun Housing Association will process information and data contained within the Housing Applications in accordance with its Policies and Procedures relating to the General Data Protection Regulations and all applicants will be issued with a Fair Processing Notice.

All staff members will be made aware of their responsibilities in relation to the General Data Protection Regulations and will be trained in the process that the Association has introduced to ensure compliance with GDPR.

8. Policy Review

This Policy will be reviewed on a 3 yearly basis or earlier if the legislation changes to ensure that its aims are being met.