Cassiltoun
Housing Association

SUBLETTING POLICY

Date Approved	Proposed Review Date
September 2025	September 2028
Chair Person/Office Bearers Signature:	

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

Cassiltoun Housing Association Registered Scottish Charity SC 035544
Property Factor Registration No. PF000154

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1. Introduction

Subletting describes the process that takes place when a tenant (the principal tenant) rents all or part of their home to another person (the sub-tenant) on a temporary basis.

This Policy outlines Cassiltoun's requirement to accept and consider any application from a tenant to sub-let all or part of their home as set out in the Housing (Scotland) Act 2001 as amended by the Housing (Scotland) Act 2014.

2. Equality

2.1 We recognise our pro-active role in valuing and promoting diversity, fairness, social justice and equality of opportunity by adopting and promoting fair policies and procedures.
We are committed to providing fairness and equality of opportunity in order to prevent discrimination. We will try to ensure that no person is discriminated on the grounds outlined in the Equality Act 2010. This includes the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

3. Legal & Regulatory requirements

3.1 We will seek to meet all of our legal obligations as set out in the following legislation:

- The Housing (Scotland) Act 1987 provides the statutory definition of overcrowding.
- The Housing (Scotland) Act 2001, Section 32, and Schedule 5 Part 2, set out the legal framework for lodgers and subletting, including the right to take in a lodger and sublet, statutory refusal reasons, and the requirements of the application process.
- The Housing (Scotland) Act 2014, Part 2 Section 12 states notification requirements, residency conditions and new refusal reasons for lodgers and subletting applications.
- The Scottish Government Scottish Secure and Short Scottish Secure Tenancy Guidance further explains the legal framework set out in the Housing (Scotland) Act 20021 and the Housing (Scotland) Act 2014.

3.2 In addition, we will also meet the outcomes within the Scottish Social Housing Charter, Charter Indicators:

- Outcome 1 – Equalities - every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.

- Outcome 2 – Communication - tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.

- Outcome 3 – Participation - tenants and other customers find it easy to participate in and influence their landlord's decisions at a level they feel comfortable with.

- Outcome 7/8/9 – Housing Options – people looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them; tenants and people on housing lists can review their housing options; people at risk of losing their homes get advice and information on preventing homelessness.

- Outcome 11: Tenancy Sustainment - "Tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations".

4. General Principles

4.1 Tenants have the right to sub-let all or part of their home provided the eligibility criteria outlined in this policy are met and they have the written permission of the Association.

4.2 Consent to sub-let a tenancy will only be given by the Association after consideration of the circumstances of the tenant and the proposed sub-tenant.

4.3 There is no legal relationship between the sub-tenant and the Association. The principal tenant will continue to be responsible for all the conditions of the tenancy and for payment of rent directly to the Association.

4.4 It is the responsibility of the principal tenant to advise the statutory authorities, including Council Tax, Housing Benefit, Department of Works and Pensions (Universal Credit), gas, electricity and telephone suppliers, of the sub-tenancy agreement.

4.5 The amount of rent charged to the sub-tenant cannot be higher than the monthly rent charged by the Association to the principal tenant. Any refundable deposit cannot exceed the equivalent of one month's rent.

4.6 The property must be let fully furnished and the sub-tenant should have use of all the fixtures and fittings.

4.7 The period of the Sub-let will be for a maximum of 6 months, this being the minimum period of a Short Scottish Secure Tenancy. However, the sub let may be extended at the request of the principal tenant and the discretion of the Association.

5. Eligibility Criteria

5.1 In accordance with the Housing (Scotland) Act 2014 the Association will only permit an application to sub-let when the principal tenant has been the tenant of the house throughout the 12 month period immediately before applying for written permission to sublet all or part of their property or if they were not the tenant throughout that period, the house must have been their only or principal home during those 12 months and the person who was the tenant at that time must

have notified the Association that the person who is now the principal tenant was living there.

5.2 The rent account of the principal tenant must be up-to date prior to submitting an application to sub-let.

5.3 The proposed sub-tenant must be approved by the Association, who will require a satisfactory report from any former landlord within the last 5 years. A sub-let will not be approved if the sub-tenant already has permanent accommodation or is not considered to be in housing need.

5.4 The proposed sub-let must not result in the property being under-occupied or overcrowded.

5.5 Specially adapted property (e.g. wheelchair accommodation) will not be eligible for sub-let unless the sub-tenant has a defined need for this type of property.

5.6 The principal tenant and the sub-tenant must agree in advance to use a Sub-Tenancy Agreement that is acceptable to the Association.

5.7 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 allocation and it is their long term and principal home, no further notification is required.

6. Assessing an Application to Sub-Let a Tenancy

The assessment of applications to sub-let a tenancy will take account of both the tenant's and the sub-tenant's circumstances and in all cases must satisfy the criteria set down in Section 32 and Part 2 of Schedule 5 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 principal tenant sub-letting the 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 the tenant has received a payment in cash or in consideration of the sub-let that is not a reasonable rent or deposit.
- There is substantial damage to the property caused by the tenant, a member of the household or a visitor to the property.
- The Sub-let would lead to overcrowding or under-occupation of the property in line with the Association's Allocation Policy.
- 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 sub-tenant.
- The proposed sub-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 sub-tenant's needs.
- Either party has given false or incomplete information about the application.
- The Association would not give the prospective sub-tenant reasonable preference under our Allocation Policy.
- There are current outstanding rent arrears or rechargeable repairs charges owed to the Association.
- An unsatisfactory report from the sub-tenant's previous landlord is received in respect of damage to property, rent arrears or anti-social behaviour.

Other possible reasons for refusal are:

- Where the tenant is leaving for an indefinite period and unable to specify wh en they will return
- Where another person's occupancy rights are likely to be adversely affected i f permission is granted

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

7. Sub-Letting Procedure

7.1 Any tenant wishing to sub-let their tenancy must complete a Sub-let Application form which is available on request from this office. (Appendix 1 & 1A) and return it to the Association's Office. On receipt of the application an acknowledgment will be issued to the tenant confirming that a member of the Operations Team will carry out all appropriate eligibility checks including carrying out a house visit to discuss the implications of sub-letting to both the tenant and the proposed sub-tenant and to inspect the property.

7.2 Where the proposed sub-tenant has held a tenancy within the last 5 years, the Association will request tenancy references as appropriate, having first obtained the permission from the proposed sub-tenant to do so.

7.3 The Association will notify the principal tenant of its decision within 28 days of receipt of the Application. If the request has been refused the reason will be given. If there is insufficient information available to allow a decision to be made, the request will be refused, with reasons given and the tenant advised to re-apply when the information is available. (Appendices 3 & 4).

7.4 Where the request to sub-let is approved, the principal tenant will be informed in writing that it can go ahead. The principal tenant will then be required to inform the Association in writing the date that the sub-let will take place and provide a copy of the sub-let agreement signed by the sub-tenant.

8Appeals Procedure

Any applicant unhappy about a decision relating to a sub-let 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.

9Processing 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.

10 Complaints

If tenants, residents or any other service user are dissatisfied with the service that they receive either from Association staff or the Association's Contractors then recourse can be sought through the Association's Complaints Handling Procedure

11Policy Review

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

Appendix 1.

Our Ref: CHA/SUB/01
Your ref: «Tenant_Number»

Date: XXXXXX

«First_Occup_Title» «First_Occup_Forenames» «First_Occup_Surname»
«Unit_Description»
«House_Code» «Address_Line_1»
«Address_Line_2»
«Postcode»

Dear «First_Occup_Title» «First_Occup_Surname»,

REQUEST TO SUB-LET TENANCY

Further to your letter requesting permission to sub-let your tenancy, please find enclosed application which you should complete and return to our office at your earliest convenience.

If you are having any trouble completing the form then please contact me at this office and I will be happy to assist.

I trust this is of assistance to you.

Yours sincerely

Name
Designation

Enc,

Cassiltoun Housing Association

Application to SUB-LET Tenancy

Written Consent Must Be Obtained from Cassiltoun Housing Association Ltd Before You Can Pass Your Tenancy to Another Person

Tenant's Details			
Tenant(S) Name		**Tel. No.**	
Address		**Post Code**	
Property Type		**No of Bedrooms**	
Start Date of Tenancy			

Why Do You Want to Sub-Let Your Tenancy?

Who Do You Want to Sub-Let Your Tenancy To?					
Name(S)	**Date of Birth (DD/MM/YY)**			**Relationship to You**	**When Did They Move In? (DD/MM/YY)**
Do You wish to Sub-let Whole or Part of Your Tenancy?					

NB: Please Enclose Proof of Identity & 2 Forms of Residency For Each Person Listed At Section 3

Provide Details Of Previous Addresses Over The Past 5 Years For All People Detailed At Section 3 (Continue On A Separate Sheet If Necessary)					
Name	**Address**	**Landlords Name, Address And Telephone Number**	**Date From**	**Date To**	**Reason For Moving**

Do Any Of The People Listed At Section 3 Own Or Rent Any Other Property?	Yes (✓)	No (✓)
If Yes Give Details (Names & Addresses):		

Has Anyone Listed At Section 3 Ever Held A Tenancy With Cassiltoun Housing Association	Yes (✓)	No (✓)

If Yes Please Give Details Below:

Name	Address	Date From	Date To

Who Will Live At The Tenancy Address?				
Name	**Date Of Birth (DD/MM/YY)**			**Relationship To Person(S) Applying For The Tenancy**

Are You Moving Out Of The Property?	Yes (✓)	No (✓)
If Yes, When Will You Move Out? (Date)		
Where Are You Moving To? (Address)		

Has Your Home Been Adapted In Any Way For Use By A Disabled Person?	Yes (✓)	No (✓)

If Yes, Please Give Details

Do Any Household Members Require G/Level Accommodation Or Special Adaptations? (✓)	Yes (✓)	7. No (✓)

If Yes, Please Give Details

Declaration (To Be Completed By The Existing Tenant/Joint Tenants)

The information I have given in this form is true and accurate. I agree that Cassiltoun Housing Association can make any enquiries they need to confirm the details I have given.

I/we understand that I/we will receive a written reply to this application within one month of receipt of this application, and that the change of tenancy cannot go ahead until Cassiltoun Housing Association's written consent has been given.

Tenant's Signature _____ **Joint Tenant's Signature** _____

Date _____

Declaration Under The Matrimonial Homes (Family Protection) (Scotland) Act 1981 (To Be Completed By The Existing Tenant(S) Spouse Or Partner If They Are Not Joint Tenant(s)).

I_____am fully aware of all the details of the application to assign the tenancy of _____ and give my consent to it. I confirm that the details given are true and accurate.

Signed _____ **Date** _____

Witnessed _____ **Date** _____

Witnessed _____ **Date** _____

NB: The Existing Tenant(S) Of The Property Should Not Witness Section 11

Sub-let(S) Declaration
(To Be Completed By The Person(S) Named At Section 3)

The Information I Have Given In This Form Is True and Accurate. I Agree That Cassiltoun Housing Association Can Make Any Enquiries They Need To Confirm The Details I Have Given.

I/We Understand That I/We Will Receive A Written Reply To This Application Within One Month Of Receipt Of This Application, And That The Change Of Tenancy **Cannot** Go Ahead Until Cassiltoun Housing Association's Written Consent Has Been Given.

Sub-let Signature _____ **Date** _____
Joint Sub-let Signature _____ **Date** _____

Assignee(S) Declaration to obtain tenancy references

As per Section 5.2 'Where the proposed Sub-let has held a tenancy within the last 5 years, the Association will request tenancy references as appropriate, having first obtained the permission from the proposed Sub-let to do so'

Therefore, this section must be signed to confirm that you allow the Association to obtain a tenancy reference from your previous landlord/s prior to approving any assignation application. If this section has not been completed then this application will be refused.

Sub-let Signature _____ **Date** _____
Joint Sub-let Signature _____ **Date** _____

If We Give You A Tenancy Based On False Or Misleading Information, We May Take Legal Action To Get Our Property Back.

Appendix 2.

Our Ref: CHA/SUB/02
Your ref: «Tenant_Number»

Date: XXXXXX

«First_Occup_Title» «First_Occup_Forenames» «First_Occup_Surname»
«Unit_Description»
«House_Code» «Address_Line_1»
«Address_Line_2»
«Postcode»

Dear «First_Occup_Title» «First_Occup_Surname»,

SUB-LET

I write to acknowledge receipt of your application to sub-let your tenancy.

I will contact you again within twenty-eight days to advise you of our decision.

Yours sincerely

Name
Designation

Appendix 3.

Our Ref: CHA/SUB/03
Your ref: «Tenant_Number»

Date: XXXXXX

«First_Occup_Title» «First_Occup_Forenames» «First_Occup_Surname»
«Unit_Description»
«House_Code» «Address_Line_1»
«Address_Line_2»
«Postcode»

Dear «First_Occup_Title» «First_Occup_Surname»,

REQUEST TO SUB-LET YOUR TENANCY

Thank you for submitting the application to sub-let your tenancy to:

…….....

I write to confirm that this request has been approved and I have made an appointment for you and …….. to see me on:

……

If this appointment is not convenient please contact me to arrange a suitable alternative.

Yours sincerely

Name
Designation

Appendix 4.

Our Ref: CHA/SUB/04
Your ref: «Tenant_Number»

Date: XXXXXX

«First_Occup_Title» «First_Occup_Forenames» «First_Occup_Surname»
«Unit_Description»
«House_Code» «Address_Line_1»
«Address_Line_2»
«Postcode»

Dear «First_Occup_Title» «First_Occup_Surname»,

Request to Sub-let your Tenancy

Further to your application to assign your tenancy to:

……...

I can confirm that this request has now been considered and unfortunately has been refused for the following reasons:

……

……

……

If you wish to appeal against this decision you can in the first instance contact the Housing Manager at this office within seven days regarding this. If you are still dissatisfied after this a copy of the Associations Complaints Policy and Procedure will be made available to you in order that you can raise this a complaint.

I trust all of the above is of assistance to you.

Yours sincerely

Name
Designation