

LEAFLET

05



# Ending your tenancy

A guide for residents

**JRHT** JOSEPH  
ROWNTREE  
HOUSING TRUST

This leaflet contains information and guidance on:

1. Why we might take action to end your tenancy
2. What form this action will take
3. How you can end a tenancy yourself
4. Sources of advice and guidance should your tenancy be ended, along with a useful Moving Out Checklist for those who decide they wish to end their tenancy agreement

## 1. Why we might take action

There are certain situations where we may be forced to take action:

- If you don't pay the rent due under your Tenancy Agreement;
- If you don't pay the service charge due;
- If you fail to meet other terms of your agreement.

If you miss a rent or service charge payment, we will ask you to make up the missing payment or to contact us if you are having problems in making the payment.

Where we can, we will take action to resolve problems so that you don't lose your home. If this action is impossible or unsuccessful, we will have to take steps to end your tenancy.

We can also serve you with a Notice of Seeking Possession and consider applying to court for possession of the property if you:

- don't pay your rent or keep on paying it late;
- have broken the terms of your Tenancy Agreement;
- behave in a way that causes, or is likely to cause, nuisance to others. This also applies to other people

- living with you and visitors to your home;
- commit an arrestable offence in your home or near to it. This also applies to other people living with you and visitors to your home;
  - are convicted of using your home for immoral or illegal purposes. This also applies to other people living with you and visitors to your home;
  - have driven your partner from the home because of your violence, or threats of violence, towards your partner or other members of the family and your partner is unlikely to return;
  - have seriously damaged your home or any communal areas or furniture provided by us. This also applies to people living with you and visitors to your home;
  - gave false information when you applied for the tenancy;
  - receive money for carrying out a mutual exchange;
  - refuse to leave temporary accommodation once building work in your permanent home is completed;
- refuse the offer of suitable alternative accommodation when:
    - a) you are living in overcrowded conditions;
    - b) we want to improve or demolish your home and it needs to be empty to do this work;
    - c) your home is specifically designed or adapted for someone who is disabled or elderly and no one living in your home needs this type of accommodation, but we need to let it to someone who does;
    - d) you have succeeded to the tenancy and your home is bigger than you need. This does not apply if you are the husband or wife of the former tenant.

The above list summarises the 'grounds for possession' for secure tenants in Section 84 and Schedule 2 of the Housing Act 1985 as amended by Sections 144–146 of the Housing Act 1996. For assured tenants, it summarises 'grounds for possession' in Section 7 and Schedule 2 of the Housing Act 1985 as amended by Sections 148–149 of the Housing Act 1996.

A full list of ‘grounds for possession’ is available from your Neighbourhood Services Officer.

## 2. What form action will take

If you don’t contact us and you miss another payment, we will take one of the following two steps, depending on the circumstances. We will write and tell you what action we are taking.

### Taking action through the small claims court procedure

We will apply to the local County Court to try to recover the money owing to us. If we succeed the court will grant us a Money Judgement Order. If you are in paid work, we will consider asking the court for an Attachment of Earnings Order. The court will arrange for your employer to make regular deductions from your earnings until the debt is cleared. The Money Judgement Order against you may affect your ability to get credit in the future.

### Court action

We can take court action in two ways:

- a) taking court action to repossess your home;
- b) taking court action for forfeiture of your tenancy.

Both actions will mean you will have to leave your home.

### What will happen if we are planning to go to court?

We will contact you to tell you that we will be serving the Notice of Seeking Possession notice if you do not take certain actions. If you do not take the action required, we will serve the notice. The notice will explain why we are seeking to repossess your home and give a date (usually four weeks from the issue of the notice) after which court proceedings may start. A notice is valid for one year after issue.

### Taking the case to court

- we will contact you to tell you that we will be taking your case to court;
- once the case has been put into court, the court will send you the information you need;
- we urge you to attend or be represented at the court hearing to put your side of the case;
- usually we will ask the court for a suspended possession order. This means that if you agree and keep to certain actions, no eviction will take place.

## Applying to the court bailiffs

If you do not keep to the agreement made in court as part of the suspended possession order, or if we are given an outright possession order, we will contact you to tell you that we will be applying to the court bailiffs for a warrant to evict you.

You will receive the warrant for the eviction and further information from the court including the date of the eviction. You can apply to the court to have the eviction warrant dropped or suspended if you feel the eviction is unfair, unnecessary or illegal.

We will contact you before the date of the eviction and will tell the local authority's housing department about the eviction.

If the court does not suspend the warrant, the court bailiffs will carry out the eviction and we will take possession of your home.

## What you should do

At every stage in the process we urge you to:

- contact your Neighbourhood Services Officer. If a solution to the problem is agreed and acted on, then no further action will be taken;

- get independent legal advice from a law centre, housing aid centre, Citizens Advice Bureau or solicitor;
- make sure you are getting all the welfare benefits you are entitled to. This will help you pay the rent - this is particularly important if your circumstances have changed. We can help with this or you can contact the Citizens Advice Bureau.

## 3. How you can end a tenancy yourself

### How do I end my tenancy?

You must give us four weeks' notice in writing that you want to end your tenancy. You can give us notice by filling in a termination of tenancy form which you can get from your Neighbourhood Services Officer.

## What happens once I have told you I want to end my tenancy?

We will send you a termination of tenancy form which you must complete and return to us. The four-week notice period starts on the Monday following receipt of your form. All tenancies end on a Sunday. On receipt of the termination of tenancy form, we will write to you to confirm the date your tenancy will end and send you further information about what you must do before leaving your home.

We will provide you with a copy of our property standard – if your home does not meet this standard when you leave, you may be charged the cost of any work we have to do to bring it up to this standard.

We will make arrangements to visit you in your home to undertake a tenancy termination visit. During this visit we will further advise you of your responsibilities as the outgoing resident.

## What will happen if I leave my home before the notice ends?

If you move out of your home before the end of your notice period, you will still be responsible for paying the rent until the end of the notice period.

You should be aware that we will charge you full rent up to the date that your tenancy comes to an end, but, if you receive Housing Benefit, this will stop on the day you leave your home.

## When and where should I hand in my keys?

You should hand in all keys for your home to our offices at The Garth, New Earswick; Plaxton Court, Scarborough; or Hartfields, Hartlepool. You should hand in your keys no later than 12 noon on the Monday after your tenancy has ended. You will be responsible for further rent if we do not receive your keys on time.

If our office is shut, you can use the letter box at The Garth, but remember to put a letter or label on the keys so we know which property they are for.

We do not recommend that you post the keys to us. But, if you have no other option, you must use recorded delivery as proof that you have sent them. If your keys get lost in the post and you cannot prove you have posted them, we will charge you with the cost of changing the locks.

## What rent do I have to pay?

When you end your tenancy you have to pay rent up to and including the

Sunday on which the tenancy ends. If you hand the keys in later than 12 noon on the Monday, we will charge you another week's rent.

### When do you inspect my property?

When you have handed in your keys we will undertake a full property inspection.

The purpose of the inspection is to ensure your property meets our property standard before it is re let to a new resident.

We will charge you for the cost of any work for which you are responsible. To avoid being charged for any work, when you leave your home you have to make sure that:

- you leave it clean and tidy and in good order;
- you remove any furniture, carpets or rubbish;
- you cut back and clear the garden;
- you remove any of your own fittings which you installed whilst you were living in your home and make good any damage;
- you undertake any other necessary work to ensure your property meets the property standard, a copy of which will be provided to you.

We will charge you for the cost of any work we have to do that includes:

- clearing and cleaning the property;
- decorating the property;
- putting right any damage which is not the result of fair wear and tear;
- replacing fittings that you had no right to take or that are non-standard.

If you leave any of your belongings in your property, we will dispose of these and charge you with the cost of this work. You must also remove any out buildings such as sheds or greenhouses and reinstate the garden where appropriate. You will be charged for any work we have to do to your property which is your responsibility.

### What about any improvements I have carried out during my tenancy?

If you have had our permission to make alterations or improvements to your property, you may be able to leave them in the property, subject to agreement with the Neighbourhood Services Officer. If we agree that the improvements or alterations can remain, they must be to a satisfactory standard.

## Do I have to read my electric, gas or water meters?

You are responsible for reading the gas, electric or water meters before you leave the property. You must tell your suppliers:

- the date you are leaving the property;
- the reading of your meter;
- your forwarding address.

You will only pay for the gas, electric and water up to the date your tenancy ends. If the supplier asks for your forwarding address we will give it to them.

Please leave your gas card and electric meter key in the property when you leave, otherwise we will charge you for replacement keys. Do not leave the card/key in the meters.

## Do I turn off the water, gas or electricity?

You must turn off the gas and electric supplies at the meter and the water at the stop tap if you are leaving the property during the winter months. After you have turned the water off at the stop taps, turn the kitchen and bathroom hot and cold taps on and remember to leave the plug out of the

sink or bath. This will drain all the water out of the tank to prevent any damage if the pipes freeze.

## What about my post?

You should arrange with the post office to re-direct your mail to your new address. We will not forward any letters to you at your new address and we will not tell the new resident your forwarding address.

## What do I do with any belongings I do not want?

It is your responsibility to clear all items from your home including carpets, curtains, blinds, and items outside your home such as satellite dishes, play equipment and garden furniture. If any items are left in the property or garden after you have moved out we will charge you for the full cost of clearance. This cost is likely to be more expensive than if you make your own arrangements for clearing the property.

In exceptional circumstances, you may reach an agreement with the Neighbourhood Services Officer to leave specific items. This agreement must be given in writing – without written agreement you will be charged for removal.

## Why do I need to remove carpets and floor coverings?

When residents have left floor coverings we are usually asked to remove them by the new resident. This means a visit by our property services department to remove the items for which there is a cost. If your carpets or other floor coverings are in perfect condition and you are considering leaving them, please discuss this with your Neighbourhood Services Officer. Any agreement to leave floor coverings must be given in writing by the Neighbourhood Services Officer – without written agreement you will be charged for the cost of their removal.

## Will you find a new resident for my property before I move out?

After you have told us you intend to end your tenancy, we will start looking for a new resident who can move into your property as soon as possible after your tenancy has ended. This may mean that we provisionally offer your property to someone on our housing register whilst you are still the tenant. We may ask you if we can allow the new resident to come and look at your home before you move out. We would appreciate your assistance with these viewings.

## Advice and guidance

### JRHT

The Garth  
White Rose Avenue  
New Earswick  
YORK  
YO32 4TZ  
Tel: 0800 5870211  
(freephone)  
Email: [information@jrht.org.uk](mailto:information@jrht.org.uk)  
[www.jrht.org.uk](http://www.jrht.org.uk)

### JRHT

Hartfields  
Off Merlin Way  
Bishop Cuthbert  
Hartlepool  
TS26 0US  
Tel: 01429 855070

### JRHT

Plaxton Court  
Woodlands Drive  
Scarborough  
North Yorkshire  
YO12 6QT  
Tel: 01723 341005

## 4. Additional information

### Further advice and support

**York CAB**

West Offices, Station Rise,  
York, YO1 6GA  
Tel: 0344 411 1444  
www.yorkcab.co.uk

**East Riding Of Yorkshire Council**

County Hall  
Beverley  
East Riding Of Yorkshire  
HU17 9BA  
Tel: 01482 887700

**City Of York Council**

West Offices, Station Rise,  
York, YO1 6GA  
Tel: 01904 551550

**York Mediation Service**

Bintay House, 13 York Road,  
York YO24 4LW  
Tel: 01904 646068  
Fax: 01904 553839

**Hartlepool CAB**

87 Park Road  
Hartlepool  
TS26 9HP  
Tel: 01429 408401

**Cleveland Police**

Cleveland Police Headquarters  
PO Box 70  
Ladgate Lane  
Middlesborough  
TS8 9EH  
Tel: 01642 326326

**North Yorkshire Police**

Police Headquarters  
Newby Wiske Hall  
Newby Wiske  
Northallerton  
North Yorkshire DL7 9HA  
Tel: 101

**Scarborough Borough Council**

Town Hall  
St Nicholas Street  
Scarborough  
YO11 2HG  
Tel: 01723 232323

**Ryedale District Council**

Environmental Health  
& Housing Services  
Ryedale House  
Old Malton Road  
Malton YO17 0HH  
Tel: 01635 600666

**Scarborough CAB**

62 Roscoe Street  
Scarborough  
YO11 1UK  
Tel: 01723 368710

**Hartlepool Borough Council**

Customer Services  
Contact Centre  
Civic Centre  
Victoria Road  
Hartlepool  
TS24 8AY  
Tel: 01429 266522

## Moving Out Checklist

- arrange for removals – get at least two quotes and make sure they include clearing away any unwanted items;
- get packing boxes in advance of your moving day;
- remove all your belongings from your home, garden, outbuildings and sheds;
- report any repairs that are our responsibility prior to moving out;
- tell your gas and electricity suppliers that you are moving and read the meters on the day you leave;
- tell your household insurance company you are moving and arrange cover for your new home if appropriate;
- tell other companies such as the TV licence authority, your satellite provider, your telephone company;
- contact the post office for re-directing your mail;
- please return the card key for electric and gas meters.

Make sure that when your tenancy ends your rent account is clear. If you move without making arrangements to clear any outstanding rent, we will pursue the debt, taking court action if it is necessary.

# Joseph Rowntree Housing Trust

Head Office

## The Garth

White Rose Avenue  
New Earswick  
York  
YO32 4TZ

Reception open Mon to Fri from 8.30 am to 5pm (Wed 10am to 5pm)

Tel: 0800 587 0211 (this line is diverted to the emergency call line outside the above hours)

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Other offices where you can make enquiries or pay your rent/charges:-

## Plaxton Court

Woodlands Drive  
Scarborough  
YO12 6QT

Reception open Mon - Fri from 9am to 5pm.

Weekends 10am to 2pm

Tel: 01723 340290 (this line is diverted to the emergency call line outside the above hours)

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## Hartfields Retirement village

Merlin Way, Bishop Cuthbert  
Middle Warren  
Hartlepool  
TS26 0US

Reception open Mon - Fri from 8.15am to 12am and 6pm to midnight

Weekends 10am to 2pm and 6pm to midnight

Tel: 01429 855070 (during reception hours)

Tel: 07980 705713 (out of hours emergency line)

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Email: [information@jrht.org.uk](mailto:information@jrht.org.uk)

Visit our website: [www.jrht.org.uk](http://www.jrht.org.uk)

JRHT is a registered housing association, managing around 2,500 homes, and is a registered provider of care services.

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