

PROBATIONARY TENANCIES

If you are a new tenant you will start with a probationary tenancy. This means that your first year with H&F Homes is a trial period. You will need to show us that you understand your responsibilities to your neighbours and to your landlord, the London Borough of Hammersmith & Fulham. You will not have the same rights as a Secure tenant and could be evicted more quickly and easily if you break the conditions of your tenancy agreement.

Your rights and responsibilities as an probationary tenant

Secure and probationary tenancies have very similar rights but there are some important differences. As an Probationary tenant you don't have as many rights as a secure tenant and you have one extra responsibility.

Your rights:

All tenants have the right:

- to have repairs done on time
- for a member of your family to take over your tenancy on your death provided they lived with you for the 12 months before your death (succession)
- to see any information that H&F Homes holds about you; you have the right to ask us to amend this information if you think it is wrong
- to receive information about H&F Homes and the council's housing services
- to be consulted on a broad range of issues such as changes to the way your rent is collected
- to be involved in decisions about your home and neighbourhood.

The rights you don't have

While you are an probationary tenant you do not have the right to:

- apply to move to another council or housing association home
- take in a lodger
- sublet part of your home
- exchange your home
- carry out alterations or improvements to your home (except painting and decorating)
- buy your home.

You will get these rights automatically as soon as you become a secure tenant.

Your extra responsibility is:

You must ask us for permission if you want someone who was not listed as a member of your household when you signed your tenancy agreement to come and stay with you either temporarily or permanent basis. This includes children, relatives, friends or other guests. We will not normally refuse unless there is a good reason. When you become a secure tenant you will no longer have this extra responsibility.

Rent

Your tenancy agreement says that you must pay your rent on time. If you are two weeks in arrears we will contact you. We will check that you are receiving the correct benefits and let you make an agreement to pay off the arrears in regular amounts on top of your weekly rent. However, if you fall six weeks behind we may start legal action to evict you. We will also take action if you are persistently late paying or fail to keep to a repayment agreement. Please make sure you tell us if you are having problems - we can usually offer practical help and advice.

Antisocial behaviour

If we receive complaints that you have been acting in an antisocial way, we will investigate thoroughly, collect evidence, interview witnesses, etc. If the complaint is justified we will take action. If the problem is minor we will ask you to modify your behaviour and possibly involve a mediator.

But if you do not cooperate or your actions are proved to be very antisocial, (i.e. violent or hate crime) you will not be given a second chance and we will take action to evict you.

It is important to remember that you are also responsible for the behaviour of anyone living with you or visiting your home.

We will take action if the nuisance takes place in your home, outside your home or in the locality.

If it is clear that you do not intend to meet your tenancy conditions we will:

- apply to extend your probationary tenancy by up to six months; or
- ask a court for permission to evict you.

If we ask for it, the courts must grant us permission to evict you as long as we have followed the right procedures. You will NOT have the right to defend yourself in court.

What happens when your probationary tenancy ends?

You will automatically become a secure tenant after 12 months if you have observed the conditions of your tenancy and we have not started legal action against you.

As a secure tenant you will have greater protection in law but you will still have responsibilities. We will expect you to continue to look after your home, pay your rent and respect your neighbours.

If we decide to evict you

If you continue to disregard your tenancy conditions we will serve a 'Notice of Proceedings for Possession' which is a legal document telling you that we intend to ask for a court hearing to repossess your home.

You have the right to ask us to review our decision to evict you, but you must do this within 14 days of receiving the Notice of Proceedings for Possession. The Notice will explain how to ask for a review.

The review will be carried out by a senior officer not previously connected with your case. The officer will review your case by looking at the written evidence, (including the reasons set out in your letter and letters from other people who support your case) or you can attend a meeting in person to give your side of the story. Once the officer has reached a decision you will be notified in writing.

If you do not ask us to review our decision, or if the officer decides that our decision to evict is justified, we will apply for a court hearing. The hearing is just a formality - the court has to give us permission to evict if we have followed the correct procedures, and you **do not** have the right to put your case.

What happens if you decide to extend my probationary tenancy?

We can extend your probationary tenancy by six months, making the total trial period 18 months.

We would normally decide to extend your probationary tenancy when you have broken your tenancy conditions previously but there has since been an improvement.

If we decide to extend your probationary tenancy we will notify you in writing and explain why we think it is necessary. We must do this no later than eight weeks before your 12 month Probationary period would have expired.

You have the right to ask for a review of this decision which will be heard by a senior manager not previously involved in your case. Once the officer has reached a decision you will be notified in writing.

