

Policy title	Termination Policy
Directorate	Neighbourhood and Wellbeing
Author	Adele Pettecrew
Date First Approved	
Latest Date of Approval	May 2024
Next Review Date	April 2026
Policy Scope/Users	To ensure tenancies are terminated in line with the tenancy agreement and legally in line with legal requirements. MSV Housing Group will provide easy accessible ways for customers to end their tenancy.
Date EIA done	May 2024

1 Introduction/policy purpose

To ensure that Tenancies are ended legally and in line with best practice to enable prompt action on void inspection, arrears and allocation.

To provide customers with the relevant information in order that they can end their tenancy in line with the requirements of the tenancy agreement.

To bring tenancies to an end as quickly as possible to allow void repairs to be carried out and the property is relet as soon as possible.

2 Description of the Policy

All customers are required to give the required 4 weeks written notice to MSV Housing Group in order to end their tenancy legally. There may be exceptional circumstances where a shorter notice period is agreed but this will be agreed by a Manager. This could include people fleeing due to domestic abuse, someone suffering serious violence or threats of violence and other exceptional circumstances.

2.1 Notice to terminate

Once a customer has given written notice to terminate this is legally binding and can not be revoked or extended. If a customer finds once they have given written notice they are unable to move out we may grant a new tenancy to ensure that customers still have a contractual agreement to remain in the property. This will be in exceptional circumstances and will be agreed by the Lettings Manager.

During the Notice period the Lettings team will visit the property to inspect the condition of the property and to identify any damage or repairs issues.

Any damage not due to fair wear and tear to the property will be recharged to the outgoing customer once their tenancy ends.

The property must be cleared of all belongings and rubbish when the tenancy ends. It is the customers responsibility to take all meter readings and return keys at the end of the tenancy.

All rent must be paid up to the tenancy termination date and any rent arrears will be pursued under our Former Tenancy Arrears Policy.

2.2 Death of a Tenant

Where a customer sadly passes away we will allow a two week grace period to allow family time to clear the property and hand in the keys. This can be extended if required and will be considered in a sensitive manner as we know this can be an upsetting time for customers families.

Unfortunately a tenancy does not end automatically when someone passes away and notice will need to be given by either the executor of the will, if there is one or the next of kin where this can be established that they are the next of kin. In order to verify who the executor of the will is we would need a copy of this. To verify the next of kin we would need to check they are named. We would also need a copy of the Death Certificate.

If a customer passes away and there is no family member on file or next of kin, we would need to serve Notice on the Public Trustee. This is explained in more detail in the Termination Procedure Document.

2.3 Abandonments/Evictions

Where the tenancy is due to end because the customer has abandoned the property the Neighbourhood Team will follow the Abandonment procedure in the first instance.

The tenancy will end on the Sunday after the NTQ expires and the Neighbourhood Officer will attend the property to establish if a Tort notice is required. The tenancy will be ended on Orchard and Property services informed if property can be cleared or if they must wait until the tort notices expires.

If a tenant is due to be evicted the Neighbourhood Team will inform the Lettings Team of the upcoming date of the eviction and the tenancy will be ended once the Eviction Warrant has been executed and confirmed by Neighbourhood Team that this can be ended and property cleared.

2.4 Transfers

When a customer is due to transfer from one MSV property to another either through a Management Move or Transfer a shorter notice period of 1 week is acceptable. We will agree move in dates for the new property and move out dates for the old property. Where these overlap and the customer requires both tenancies to run whilst they are moving they will be liable for the rent at both properties unless otherwise agreed. Any waiver of the rent for this period only be agreed in exceptional circumstances or where this may cause hardship to the customer.

2.5 Moving into Residential Care

We understand it can be very upsetting when someone has to end their tenancy due to moving into residential care. We would require four weeks notice in writing to end the tenancy in line with the tenancy agreement. However, if there are exceptional circumstances we will work with the customer to agree the notice period. We will consider a shorter notice period to prevent the outgoing customer from going into any rent arrears.

In most cases it will be a family member contacting us about the customer going into residential care. We must establish if the customer has mental capacity. We must in all cases deal with the customer directly unless we have their written permission to liaise with a relative or Social Worker.

If the customer moving into residential care does not have mental capacity due to dementia or other mental illness then we would need to establish if someone has Power of Attorney (POA). If there is a POA appointed then they can give notice on behalf of the customer. We would require a copy of this to verify the person who has the POA. If there is no POA then we will require Social Services to provide a copy of the best interest decision which has been made.

If the customer does not have mental capacity we may have to serve Notice to Quit in order to bring the tenancy to an end Legally.

If the customer does has mental capacity they will be required to sign the termination notice as any other customer who wishes to terminate their tenancy.

2.6 On Termination Date

All Tenancies end on a Sunday and we will confirm the termination date with customers on the Friday prior to the termination date.

3 Roles, Responsibility and Policy implementation

- 3.1 The Lettings Assistant/Team will deal with all initial termination notices and ensuring the correct notice is given by the tenant.
- 3.2 Neighbourhood Officer's will be responsible for any NTQ's required to be served i.e. abandonments or serving public trustee.
- 3.3 The Lettings Officers will be responsible for carrying out termination inspection.
- 3.4 Lettings Assistant/Team will be responsible for all paperwork and letters to be sent and ending the tenancy on the Housing Management system As well as informing Property Services the property is empty so that they can carry out required repairs before reletting.
- 3.5 The Lettings Manager will be responsible for overseeing that the Policy and procedure are being followed and any decisions to reduce notice periods.

4 Related documents

- 4.1 Void Policy & Procedure
- 4.2 Abandonment Policy and procedure
- 4.3 Former Tenant Arrears Policy and Procedure

5 Appendix

- 5.1 Equality Impact Assessment

5.1 EQUALITY IMPACT ASSESSMENT

Name of Policy: Termination Policy

Date of Assessment / Review: May 2024 Author: Adele Pettecrew

Who are the main stakeholders in relation to the function?	customers, applicants, staff, partner agencies and Committee	
Who will be consulted and what types of consultation will be carried out?	Staff Customers Committee	
Could the function have a differential impact on:		What evidence exists to support your analysis?
	Yes / No	
Racial Groups	YES	We are aware that some customers may have a language barrier
Gender or gender reassignment	NO	
Disabled people	YES	Accessibility maybe an issue for those who are housebound or with severe disability.

		Customers with mental health issues may struggle with the internet
Age	NO	
Sexuality	NO	
Religion or belief	NO	
Any other protected or vulnerable characteristic including marriage or civil partnerships, pregnancy or maternity?	NO	
<p>If the answer is NO to <u>all</u> questions and no differential treatment has been found there is no requirement for a full Equality Impact Assessment. Please go back regularly and review the cycle. If the answer is YES to any of the questions please complete the rest of the form.</p>		
In what areas could the differential identified be considered to have an adverse impact in this function and what solutions will be introduced to overcome these adverse impacts?		<ul style="list-style-type: none"> • Availability of language line to address translation issues and front line staff with valuable language skills • Support customers with the procedures and completing forms • Officers will visit customer in their home if requested • Access to digital services • Identify customers who have issues with reading and writing.
In what areas could the differential identified be considered a positive impact in this function and what strategies will be introduced to safeguard and spread these positive impacts?		
Which Action Plans have these solutions/strategies been transferred into?		

✓

Ratified by: Committee/ Board / Delegated Approval

Date: