

RUTHERGLEN & CAMBUSLANG HOUSING ASSOCIATION LIMITED

Policy Name	Short Scottish Secure Tenancy Policy
Policy Category :	Housing Management
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SHORT SCOTTISH SECURE TENANCY POLICY

Short Scottish Secure Tenancies are used in exceptional circumstances and will be reported to the Housing Management Sub-Committee prior to implementation. The Association's Short Scottish Secure tenancy agreement is based on the S.F.H.A. Model Short Scottish Secure Tenancy Agreement.

The Circumstances where a Short Scottish Secure tenancy could be used are set out in the Housing(Scotland) Act 2001. In summary they are:

- ◆ lets to persons evicted for anti-social behaviour from a tenancy in Scotland, England, Wales or Northern Ireland, within a period of 3 years prior to the service of a notice that a short SST will be offered;
- ◆ lets to persons where they or other members of their household are the subject of ASBO granted on or after 30 September 2002 under s 19 of the Crime and Disorder Act 1998;
- ◆ temporary lets to persons moving into the area in order to take up employment;
- ◆ temporary lets pending development affecting the house;
- ◆ temporary lets to homeless persons for tenancies of 6 months or over (lets to homeless persons of under 6 months are covered by Schedule 1 to the Act, tenancies which are not SSTs);
- ◆ temporary lets to persons requiring or receiving housing support services as defined in section 91(8) of the Act (N.B. permanent lets to persons requiring or receiving housing support services should be Scottish secure tenancies);
- ◆ lets in houses leased by the landlord from another body where the terms of the lease preclude the landlord subletting under an SST.

Scottish Ministers, under section 34(3) of the Act, may modify this list by order.

THE RIGHTS OF A SHORT SST

The rights under a short SST are identical to the full SST except that:

- there is no right to buy;
- there is no provision for succession; and
- security of tenure is limited.

Rights to assign, sublet, etc. under a short SST are limited to the period of the short SST.

Tenants on a short SST should not feel that they are on “probation”, as in most circumstances a full assured tenancy will be offered at the end of the period (minimum 6 months). There are however special arrangements applying to short SSTs (offered on certain of the grounds in Schedule 6) to facilitate their use as probationary style tenancies designed to help tackle anti-social behaviour.

APPEAL PROCEDURE

Any applicant who feels aggrieved by their treatment under the SSST policy has the right of appeal to a Senior Housing officer, and thereafter, to the Association’s Housing Management Sub-Committee. Appeals should be made in writing within 10 working days of the notification, and should be responded to within a further 10 working days.

A provision also exists within section 38 of the Housing(Scotland) Act 2001 that gives tenants a right of appeal to the courts if they are not satisfied with the type of tenancy or occupancy offered by the landlord, for example where the tenant has been offered a short SST and thinks he is entitled to an SST.