

## What is Subletting?

Subletting is when the tenant of a Council property rents out their home to someone else. You may want to rent out your home because you want to move away temporarily to work or study. Subletting enables you to keep your tenancy whilst you are living somewhere else temporarily.

## Can I sublet my home?

If you are a Council tenant and have a Scottish secure tenancy or a short Scottish secure tenancy, you can sublet your home but only if you have our permission in writing. If you move out of your home without our permission, you may lose your tenancy rights as you are no longer occupying your home as your main residence

## How long can I sublet my home?

East Lothian Council allows its tenants to sublet their homes for up to 12 months. We will normally give our permission for a six month period. After this we will review the application and may give you our permission to sublet for a further six months. The maximum period that you may sublet your home is for a period of 12 months.

At the end of the sublet you must return to live in your home. If you do not want to return to your property, we will tell you how to end your tenancy. Your subtenant will **NOT** be able to remain in the property.

## What do I need to consider before subletting my home?

If you sublet your home: -

- You will still be responsible for all aspects of your tenancy (these responsibilities are set out in your tenancy agreement). This is because the Council still has a legal agreement with you during the period of the sublet and not your subtenant.
- You will still be responsible for the payment of rent to the Council.
- You are responsible for any damage to the property caused by your subtenant.
- You are responsible for your subtenant's, or anyone visiting the property's, behaviour. If there are any problems during the period of the sublet, the Council will take action against you as the tenant.
- You must inform the Council Tax department of your intention to sublet your tenancy. If you don't do this you will have to pay Council Tax for your subtenant while you are away from your property.
- You should seek independent legal advice from a solicitor or organisation such as the Citizens Advice Bureau regarding a written agreement with your subtenant.
- If you decide that you no longer wish to sublet your home, you must ask your subtenant to leave - this is your responsibility and not the Council's. You should seek independent legal advice.

## **How much rent should I charge to sublet my property?**

The amount of rent you can charge should be the same as the rent you currently pay. However, this amount can also include an additional charge to cover the costs of furniture or insurance. It is important that you and your subtenant sort out the financial arrangements before the tenancy starts. We recommend that you arrange for your subtenant to pay their rent to you by direct debit or standing order and that you pay your rent to the Council by direct debit too.

If your subtenant intends to apply for Housing Benefit, they may be able to have the rent paid directly to you. For more information, please contact the Housing Benefit Section on 01620 827827.

## **How do I apply to sublet my home?**

You must apply in writing to the Council to sublet your home. Please complete an Application to Sublet form, which is available from your local housing office.

You must provide all of the information that we ask for on the application form to allow us to make a decision. We will write to you within 28 days of receiving your application form to inform you of the outcome.

## **What happens if my application to sublet is refused?**

East Lothian Council will not unreasonably withhold permission for you to sublet your home but we will refuse to consent: -

- Where it appears that a payment has been or will be given to the tenant for subletting the tenancy (excluding the rental charge or a reasonable and refundable security deposit).
- Where a Notice of Proceedings for Possession has been served on the tenant.
- Where an Order for Recovery of Possession has been made against the tenant.
- Where the sublet would lead to overcrowding under the terms of the occupancy levels set out in East Lothian Council's Allocations Policy.
- Where the proposed subtenant has been involved in antisocial behaviour in the last 12 months or is the subject of a current antisocial behaviour order.
- Where the property is due to have work carried out on it that will affect the accommodation the subtenant would occupy.

## **Can I appeal the Council's decision to refuse my application to sublet?**

If you are unhappy with the decision to refuse permission to sublet, you can appeal against the decision. Information on the appeals process will be given in the decision letter that you receive. All appeals should be made in writing to the Community Housing Manager within 21 days.

You can also appeal directly to the Sheriff Court by way of Summary Application with 21 days of receiving the decision letter. You should contact a solicitor or specialist housing advice provider for assistance.

**Should you require any further information, please contact your community housing officer at your local area office. Please telephone 01620 827827.**