

Succession to Tenancy

The law explained



Succession to Tenancy

Succession is where a person, usually a family member, inherits the tenancy upon the death of the original tenant. Only a 'qualified person' can succeed to the tenancy and succession can only occur under certain conditions as set out in the Housing Scotland Act 2014.

A qualifying person can be:

- a spouse
- a civil partner
- a joint tenant
- a co-habiting partner
- a carer
- a family member

Family and household members can include:

- husband/wife or civil partner
- opposite sex or same sex partner
- parents
- grandparents
- children (including foster children, step children, and any other children treated by you as your own)
- grandchildren
- nephews and nieces
- brothers and sisters
- aunts and uncles
- any of the above related to your spouse or partner.

There continues to be no qualifying period under the new provisions for the tenant's spouse, civil partner or joint tenant, provided (in all three cases) that the person's only or principal home was the house in question at the time of the tenant's death.

A person falling within the following categories are qualified persons where the house has been their only or principal home throughout the 12 months ending in the tenant's death:

- partners (cohabitants of either sex and including same sex cohabitants);
- members of the tenant's family aged 16 or over; and
- carers aged 16 or over who have given up a previous only or principal home.

Under the new provisions, to have a right to succeed to a tenancy after living in the house for 12 months, the 'qualifying person' or the tenant must also have notified their landlord that the person wishing to succeed to the tenancy is living in the house and that the house is that person's only or principal home. The 12-month qualifying period does not start until that notice has been given. The tenant (or any one of joint tenants) is responsible for notifying the landlord that the person has moved in.

Following our home visit and prior to an offer of rehousing, your provisional assessment will be finalised.

If the property has been designed or adapted for particular needs, eg, for an older person or someone who uses a wheelchair, we will open a conversation with any qualifying successor to ascertain what type of home they need. It may be that we agree to offer an alternative home in order that someone who does need that particular type of property, can be considered.

Remember, in order to consider someone for succession, we must have been made aware of them living in the property for at least 12 months before we can consider them as being eligible to be considered for succession to the tenancy.

More information on Succession can be found in our Tenancy Management Policy Handbook

Complaints Process

Any appeal on a decision where consent had been refused should be made through Thenue's Complaints Policy.

This does not prejudice the tenant's right to raise a Court action under Part 2 of Schedule 5 of the Housing (Scotland) Act 2001.



We have a self service APP for your phone or tablet and a

Web Portal for our tenants available on our website which means you can access many of our services from the comfort of your home or whilst you are out and about. Via our App or Web Portal, you can:

- report a repair
- check your rent balance
- report a neighbour or estate complaint
- change your contact details.

Its's available from Google Play Store or Apple App Store or you can scan the QR code below. If you need help to download it, contact staff at our office.



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