

Subletting Policy

Policy Statement

Tenants can only sublet their property if they have our written permission (Tenancy Agreement Part 4.3). Tenants will be asked to put their request in writing, explaining why permission to sublet should be granted and provide us with the following information:

- The name, age, sex and number of the sub tenant(s).
- The intended period of occupation.
- The amount to be charged for the occupation.
- The part of the dwelling that will be occupied.

Assessment of an application for subletting

Bron Afon will consider applications from tenants requesting to sublet a part of their property, where the tenant has applied in writing for permission. The assessment process will take account of both the tenant's and the sub tenant's circumstances, as well as the circumstances of the property and the subletting arrangements. In assessing an application, Bron Afon will only withhold permission if there is good reason to.

Reasons for which an application may be refused

Although the list is not exhaustive, here are some examples of the grounds under which an application to sublet may be refused:

- A Notice of Seeking Possession has been served or a Possession Order has been granted against the tenant on any of the grounds set out in the Housing Act 1988 as amended by the Housing Act 1996.
- Where subletting would lead to an overcrowding situation i.e. it exceeds the stated number of permitted occupants.
- Bron Afon intends to carry out substantial work on the property.
- Where there is substantial damage or disrepair to the property caused by the tenant, a member of the household or a visitor to the property.
- The tenant has an outstanding debt with Bron Afon.
- The tenant occupies specialist accommodation (e.g. sheltered housing) and the subletting does not meet the eligibility criteria for this accommodation.
- Where a tenant attempts to provide security of tenure i.e. an assured sub tenancy on any part of the dwelling.
- Where the whole of the premises is to be sublet.
- The sub tenant is on Bron Afon's exclusion list.

Notification of decision

We will write to the tenant with our decision within 10 working days including reasons for refusal (if applicable).

Where requests to sublet are granted the tenant will remain the tenant and will be responsible for paying rent. The tenant will also remain responsible for any problems that occur in their home, for example, neighbour nuisance, damage to property etc.

Tenants will be advised to contact Torfaen County Borough Council's Revenue and Benefits Team to inform them of a change in circumstances, as it may affect any entitlement to housing and council tax benefit.

If a tenant sublets the whole of the property they will not only be in breach of the terms of their tenancy agreement, but will have ceased to occupy the property as their main or principal home. Unless they can prove they were only temporarily absent, they will have lost their status as an assured tenant. They will still have a contractual tenancy which can be terminated by serving a notice a quit and an application for a possession order in the County Court.

If the tenant moves out, the sub-tenant must also leave the property.

Appeals Process

Any appeal on a decision where consent had been refused should be made to the Community Housing Manager. Where the Community Housing Manager upholds the original decision, the tenant can pursue any further grievance through Bron Afon's Complaints Procedure.