

Starter Tenancy

Appeals Procedure

If we decide to end your
starter tenancy



If you want to appeal, you must do so in writing within 14 days of receiving the Notice Requiring Possession. We aim to reply in writing to all appeals within 21 days.

We will give you at least five day's notice of the date and time of the hearing and where it is being held. You have the right to attend your appeal hearing and to bring - or be represented by - whoever you choose, such as a legal representative, advice worker or friend.

An appeals panel will hear your appeal. It will be made up of:

- two members of the Southway board of management; the Chief Executive or a director (if a director of neighbourhood services who may be required to attend the hearing to give evidence)

The Appeals Panel will listen to your appeal, and reach a decision on it, at least two weeks before the Notice Requiring Possession says you must leave your home.

At the hearing, our director of neighbourhood services, or an officer who has been involved in the decision to end your tenancy, will state why we believe you should leave your home. Before the hearing we will send you copies of any written evidence that we will refer to.

You will be able to question the director and clarify anything you're not sure about. You can also question anyone else giving evidence at the hearing. If we need to protect a complainant's identity, we may use their evidence without asking them to attend the appeal.

You can make your appeal either in person or in writing. It would be helpful if you provide copies of your written evidence before the hearing.

The Appeals Panel will then decide whether you have broken the tenancy agreement and, if so, whether what you did, means you should be evicted. It will also decide whether we took all the right steps to send you the Notice Requiring Possession.

We will write to you with the Appeal Panel's decision, and its reasons, within seven days of the hearing. Whatever the decision, we will tell you what happens next.

The Appeals Panel will have to make a decision on the two options available;

- Confirm the decision to end the Starter Tenancy.
- Uphold the Appeal (the Starter Tenancy will then convert to an Assured Tenancy at the end of the twelve month period).

If you disagree with the decision to the end of the Starter Tenancy, then you may wish to refer your complaint to the Tenant Services Authority or the Housing Ombudsman. However, if you wish to refer your complaint to an alternative body this will not prevent us from obtaining possession of your home prior to the complaint being resolved.

The notice period of a Section 21 (Notice Requiring Possession) is for two calendar months, after which time we will apply to the County Court for an order for the possession of your home (Accelerated Possession Proceedings). Provided the appropriate Notice has been served, the Court must grant possession, and you will be evicted from your home.

With Accelerated Possession there is not normally a Court Hearing involved. However, you can elect to have a hearing if you wish to plead extreme hardship, and seek extra time before the possession order takes effect. If, however, there is any query regarding the notice or whether you have a valid defence to the proceedings, then it is likely to be listed for a hearing.

If you do not leave, then a warrant for possession will be issued in the normal way, once the date for possession has passed.

To contact us about this please call 0161 448 4200.

