



Tenancy Matters and Disputes

This leaflet outlines your rights and responsibilities on:

- The use of the house.
- Respect for others.
- Failure to meet tenancy terms.
- Different actions.

It is intended only as a plain language summary of your legal rights; it is not a precise statement of the law. The Council is generally referred to as “we” throughout this leaflet. Tenants are normally referred to as “you”.

Use of the house

Your tenancy agreement details what you should do to look after your house. It also outlines your responsibilities to look after common parts such as stairs, gardens, drying areas and communal refuse sheds. If you are unable to meet these responsibilities, please contact Housing Services who will be pleased to help. For example, it may no longer be possible for you to clean the stairs or look after your garden. In such situations, we may be able to carry out such services for a reasonable charge or put you in touch with another organisation that may be able to help.

Respect for others

Your tenancy agreement stresses the need for tenants to show respect for other people; this also applies to people who live with tenants and their visitors. Therefore, you should:

- Avoid causing too much noise.
- Control your pets properly.
- Dispose of rubbish appropriately.
- Avoid harassing neighbours or visitors to the neighbourhood.
- Maintain communal areas as required.

The agreement also states that we will not unfairly or unlawfully discriminate against you on any of the following grounds:

- Age.
- Disability.

- Gender reassignment.
- Marriage or civil partnership.
- Race.
- Religion or other belief or opinion, including political beliefs.
- Sex.
- Sexual orientation.
- Pregnancy / maternity.

Failure to meet tenancy terms

If you make a complaint about nuisance, annoyance or harassment by a neighbour, household member or visitors, we will:

- Investigate the complaint.
- Take steps to try and stop that behaviour.

Investigating a complaint

We treat any complaints about anti-social behaviour seriously. Complaints will be generally be investigated within 14 days except in the case of serious complaints that are investigated within 1 week and ideally sooner. For example, cases involving harassment including racial harassment.

Action

When tenants breach their terms of tenancy, there are a number of actions we can take – this list is not exhaustive. These include both management actions to enforce the tenancy agreement and legal actions. We only consider legal actions when other methods have not been successful.

Enforcing tenancy conditions

There are many ways to tackle breach of tenancy conditions and we follow good practice guidance. Below are some examples.

Contacting Tenants

We contact tenants as soon as possible when complaints of nuisance behaviour have been reported. We then investigate the matter in detail. This can include contacting tenants by letter and carrying out home visits to find out why the tenancy conditions are not being met.

Investigations

After full investigation of each case, we will decide on the best course of action. In many situations good housing management practices will help stop the problem from happening again. For instance, setting up a service to look after common areas such as gardens or closes where tenants are unable to do the maintenance or cleaning themselves.

In some cases, problems can be resolved by house improvements such as improving the sound insulation within buildings to lessen noise.

Mediation

The majority of complaints do not involve serious anti-social behaviour. Indeed, many problems arise simply because of differences in the way people live. Often speaking to your neighbour about the behaviour can solve the issue without others having to be involved. Your neighbour may not realise that they are causing you a problem. If this is not successful, then using mediation services can be helpful.

Both you and your neighbour have to agree to go to mediation. Mediation involves neighbours working together with an independent third person to identify problems and agree mutual solutions to those problems. Mediation services are independent and impartial, that is, non-judgemental.

Involving others

Often involving other agencies is necessary when trying to solve anti-social behaviour. This can include involving the Environmental Health Services, the police and various support services.

Legal Remedies

In line with good practice, eviction of tenants will only be considered after all other remedies have been considered. This point is covered below.

Different actions that can be taken include:

Acceptable Behaviour Contracts (ABCs)

This is a written agreement between an individual responsible for the anti-social behaviour and relevant agencies such as housing, the police and education. The agreement sets out the behaviour that the individual has agreed to stop. It can also set out what legal action might result from the contract being broken. For example, there could be an ABC with a young person and his/her parent or guardian, Housing Services and Police Scotland.

Interdict

An interdict is a court order that forbids someone from doing anything detailed in the order. For example, we may seek an interdict against a tenant whose anti-social behaviour is a breach of the Tenancy Agreement. Tenants, too, can raise an interdict against another neighbour, for example, to prevent that neighbour from using threatening behaviour.

Specific Implement

Specific implement is a court order that requires someone to take any action detailed in the order. For instance, we may seek such an order to make a tenant clean common areas. Again, such an order might be used to require tenants to dispose of rubbish in the proper manner.

Anti-Social Behaviour Orders (ASBOs)

An anti-social behaviour order aims to prevent anti-social behaviour that has either caused alarm or distress or may do so. Breach of this order is a criminal offence. Someone guilty of a breach can be fined and/or imprisoned.

We will only consider applying for an anti-social behaviour order when other actions have not worked or are not suitable.

An anti-social behaviour order aims to address any anti-social behaviour that may occur within the whole community. The threat of a heavy fine and/or imprisonment is to deter anti-social behaviour from happening again.

Eviction

We take action to evict for anti-social behaviour only as a last resort. Before the eviction can take place, the court must be satisfied that the behaviour happened and that it is reasonable to evict the tenant and their household. For example, it may not be reasonable to evict a whole family simply because of the behaviour of one tenant.

Other Advice

Detailed advice about any of the above matters is available by contacting the Housing Management Section of Housing Services. This advice will include assessing each case on its merits and establishing an action plan to resolve individual disputes.

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