

Tristar Homes Limited is a not for profit controlled company of Stockton-on-Tees Borough Council. It was set up in April 2002 to take over the day to day management and maintenance of most of the Council's Housing Stock.

Stockton Council still owns the housing stock and remains the landlord, Tristar Homes Limited simply acts as its management agent for certain specified services.

WHAT IS A DEMOTED TENANCY

As a result of Government legislation, (Anti Social Behaviour Act 2003 part 2) Stockton Borough Council introduced Demoted Tenancies from December 2005.

The introduction of demoted tenancies will allow Stockton Borough Council and Tristar Homes Limited to apply to the court, to reduce the security of tenure of a secure tenant, to that of a demoted tenant. Put simply, by the granting of a demotion order, the tenancy is replaced with a less secure form of tenancy, with fewer rights.

WHAT RIGHTS DO I HAVE?

There are a variety of differences between a demoted tenancy and a secure tenancy. Demoted tenants do not have the same legal rights as secure tenants.

HOUSING CENTRE

Thornaby

2 Appleby House, Thornaby 527926

email: thornaby.housing@tristarhomes.co.uk

Stockton Central

Municipal Buildings, Stockton 526440/526439

email: stockton.housing@tristarhomes.co.uk

Stockton North

17-19 Redhill Road, Roseworth 528096

13-15 Whessoe Road, Hardwick 527983

email: hardwick.housing@tristarhomes.co.uk

Billingham

Council Offices, (Town Centre) 527943

email: billingham.housing@tristarhomes.co.uk

Email

customerservices@tristarhomes.co.uk

www.tristarhomes.co.uk

CAN MY TENANCY BE TAKEN AWAY?

Tristar Homes Limited has the right to take away a tenancy if it is satisfied the demolition order has been breached.

To do this a further legal notice will be served setting out the breaches of the demolition order, and giving the tenant the Right of Review.

WHAT IS THE RIGHT TO REVIEW?

You have the right to an internal review of the decision and appeal against it's decision. The legal notice must inform you of your rights to a review.

You must make a request to Tristar Homes Limited to review the decision, within 14 days of receipt of the notice. If you request a review, Tristar Homes Limited must provide a minimum of 5 clear days notice of the date, time and venue of the hearing.

The breach of the order will be reviewed by a panel of Councillors, depending on the type of evidence submitted.

Your tenancy cannot be brought to an end without a Court Order.

If the decision to proceed for possession is upheld by the Councillors the Court must grant an Order for Possession.

THE DIFFERENCES ARE

Legal Right	Secure Tenants	Demoted Tenants
Right to succession of spouse/family member	Yes	Yes
Right to Repair	Yes	Yes
Right to consultation on housing management issues	Yes	Yes
Right to Assign	Yes	Yes
Right to Buy (See page 4)	Yes	No
Right to take in lodgers	Yes	No
Right to sublet	Yes	No
Right to improve	Yes	No
Right to Exchange	Yes	No
Right to vote prior to transfer to new landlord	Yes	Yes
Right to be consulted on decision to delegate housing management	Yes	Yes

CAN I LOSE MY TENANCY?

The Demotion Order gives a serious warning to tenants, if they continue to misbehave swift action can be taken to end their tenancy.

The order removes a number of tenants rights, acting as a positive incentive for tenants to change their behaviour.

If they stop causing problems, they can regain a higher level of security and rights.

HOW LONG DOES THE DEMOTED TENANCY LAST?

The period of demotion will initially be for 12 months, but it may be extended if a further legal notice is served during this period.

WHAT HAPPENS IF I BEHAVE?

If at the end of the demotion period, Tristar Homes Limited and Stockton Borough Council are satisfied with the tenants behaviour, the demoted tenancy will become a secure tenancy.

WHAT HAPPENS IF I IGNORE THE DEMOTION ORDER?

Demotion is not a soft option. By their actions, tenants have sacrificed their security of tenure and can be evicted more easily.

WHAT CRITERIA WILL BE USED?

The tenant or a person residing in or visiting the dwelling house has engaged or has threatened to engage in conduct,

- capable of causing nuisance or annoyance to any person,
- directly or indirectly relates to or affects housing management functions of the landlord.

THE LEGAL PROCEDURE

Tristar Homes Limited must serve a legal notice on secure tenants before issuing demotion proceedings. The notice will state the reason for the demotion order application.

The Court needs to be satisfied that the behaviour has taken place and that it is reasonable to make a demotion order.

WHAT IF I WANT TO BUY MY PROPERTY?

As explained within the table, you will be unable to submit a Right to Buy application whilst you are a demoted tenant.

When your tenancy returns to a secure tenancy you will be given the rights that a secure tenant enjoys, including the Right to Buy your council home.

No contributions to the discount of the purchase of your home will occur, whilst a demoted tenant.