

## **REQUEST FOR SUBLET STATUS UPDATE**

### **INSTRUCTIONS**

Below you will find the necessary instructions to submit a declaration of your subletting status to us here at Tower Hamlets Homes. Attached to this insert is the Update Form, Deed of Covenant & Guidance Notes. You can request digital copies of these forms, as well as any other additional support, by contacting our service centre on **0207 364 5015**, or by email at **contactus@thh.org.uk**.

#### **If you are subletting your property, you are required to do the following:**

1. Submit a completed subletting **update form** with your contact details and those of your managing agent (if you have one). A copy of this form is enclosed. Please be aware that you **must list the names of your tenants in residence** and we will not accept Managing Agent details instead.
2. Attach a copy of the **tenancy agreement/s** that you have with your residing tenants. An agreement must be made with the tenants in residence only and we will not accept an agreement with a Managing Agent, or other third party entity. While a Managing Agent may assist with administration of subletting, it will always remain your responsibility as the Leaseholder to lead the agreement directly with your tenants, as well as to know directly who is residing within your property. We also require a copy of your **Gas Safety Certificate** to be included with any Tenancy Agreement supplied to us.
3. Submit a **Deed of Covenant** (***This must ONLY be submitted for new tenancy agreements of 12 months or more. Or must also be submitted for any tenant remaining in residence at the property after a renewal, for the same period or longer.***) – This is an agreement between the Council, yourself and your tenants; that you and your tenants will observe all the terms of the lease agreement. A template for the Deed of Covenant is enclosed. Please be aware that e-signatures will not suffice, as the signature must be independently witnessed. Managing Agents may independently witness the agreement, but will not be accepted in lieu of Tenant signatures. We suggest reading the guidance notes carefully in relation to your obligations when subletting.
4. Pay the **£25** administration fee for **each new Tenancy Agreement registration** – A Tenant **renewing a Tenancy Agreement previously registered** with THH **will not incur a charge**. Please issue a **cheque** or **postal order** made payable to "The London Borough of Tower Hamlets". Alternatively, you can use our **call back service** to make a payment over the phone. Just select the option on the **Update Form** when it's submitted.

#### **If you are NOT subletting your property you are required to do the following:**

1. Fill and return the **update form** and select the option indicating that you are not subletting. Please also take the time to update your contact details if they have changed since you last informed us. The more details you can provide the easier it will be for us to reach you. **No administration fee is required** to submit a declaration that you are not subletting.

# Frequently Asked Questions

## **Why have I received this letter?**

We have been instructed by the landlord, The London Borough of Tower Hamlets, to develop an up-to-date and robust directory of current tenancy information for all Leasehold properties within the borough. Your property details may have provided some indication that you might be subletting, or if you've previously sublet your property and we've had no further updates. In either case, we're verifying the subletting status of your property by contacting you directly and giving you the opportunity to provide a response.

With your cooperation, we'll be able to ensure better communication between Leaseholders and THH as well as information that can be used in an emergency, in addition to aiding safeguarding to prevent fires, or tackle sources of antisocial behaviour.

## **How do I get Consent to Let?**

Strictly speaking, your lease agreement already contains the consent to sublet, as there is no restriction on subletting and all that is required is registration of tenancies in effect within 4 weeks of them commencing.

In circumstances where your mortgage lender is requesting this, we would refer them to your lease agreement. However, we can also provide to you a letter stating this, which can then be passed on to your mortgage lender. You will still have to register your tenancies in any case.

## **Can I sublet to a Company, Estate Agent, Managing Agent, or any other private group?**

You may not sublet your property in any capacity except that of a private, residential home, to private individuals you have a direct tenancy agreement with or via a tenancy agreement managed by a legally appointed agent. You may not utilise the property in any way that would be for business purposes, such as short-term letting, room-booking, or letting to an agency. Any such engagement will be considered a breach of your lease agreement.

## **What is a Deed of Covenant (for Subletting) and why do I need one?**

A Deed of Covenant (for subletting) is a supplemental legal document that a tenant signs up to, in which they agree to abide by the terms of your lease agreement with the landlord. This is mandatory for any tenancy with a cumulative duration of stay of 12 months or more at the property, but can also be supplied for those staying below that timeframe. This provides legal protections for the Leaseholder, should they encounter a problematic tenant whose behaviour is causing a breach of lease, such as refusing to vacate the premises, unauthorised alterations or unauthorised subletting.

## **I don't know how to fill in this Deed of Covenant.**

The key information necessary to fill in the Deed of Covenant is found in your Lease Agreement document. Either your solicitor will have a copy of this, or you can request a copy to download from the UK Land Registry website. We also advise that you refer to the guidance notes provided with this letter. If for whatever reason they were not included, or you still have any questions, please contact us with the details at the top of this FAQ.

## **Business Letting – AirBnB, Booking.com**

As mentioned previously in this FAQ and described in your lease agreement, any letting arrangement for business purposes, or would have the property not constitute as that of a private, residential home, would be considered a breach of your lease.

### **I'm unable to submit in the timeframe that was proscribed.**

If you are unable to provide the documentation we have requested within the timeframe we've given you, then you must contact us immediately to inform us of the issue and provide us a time for when we can expect the documentation instead.

### **My family member resides at the property with lodgers**

While this may not be subletting, we are still under instruction from Tower Hamlets Borough Council to have the lodgers registered with THH, whether they have a tenancy agreement or not. Please submit a completed Update Form along with the Administration Fee.

### **Do I have to pay an admin fee just to submit a document for a previously registered tenancy?**

No. The administration fee is paid only to register a tenancy. If there was documentation outstanding for a previously registered tenancy, then it can be submitted under the fee that was already paid. Submitting an Update Form to declare you are not subletting does not require a fee either. Only new tenants need to be registered and paid for.

### **But I already notified you about my tenancy situation?**

You may have already registered your current tenancy with us, but we may be lacking further documentation that we require.

If you have already registered your tenants, you may in some instances be required to re-submit some or all of the documents required. No further fee payment will be necessary to complete this. This request for subletting information is part of a wider initiative to clarify and verify Leaseholder and Tenancy information, which may involve some overlap with Leaseholders that have registered tenancies prior to this mail-out.

### **My property is vacant but I intend to let it, should I wait until sending the forms in?**

We advise that you follow the instructions for 'Not subletting' so that we have an accurate reflection of the property's sublet status. Then register the upcoming tenancy as normal within 4 weeks of the agreement commencing.

### **Can't my Managing Agent take care of this? Please speak to my Managing Agent**

Your Managing Agent may assist in an administrative capacity, but only in support of your Leaseholder responsibilities while subletting. You must direct them to contact us in your stead should you wish them to do this. Additionally, your Managing Agent cannot be a named entity in any agreement, since the burden of responsibility remains with you in maintaining the property as a private residential dwelling, as laid out in the lease agreement. The agreement must be between you and the tenant only, although your Managing Agent is welcome to assist with every aspect of maintaining this arrangement.