

# **Your Right to ask for a Review**

## **Your Questions Answered**

This leaflet answers a number of questions about your rights to ask for a review. Please see the Tenancy policy and your tenancy agreement for full details.



## Who has the right of review?

All tenants have the right to ask for a review. However, some tenants have a right of review for some decisions, but not others. The next section looks at what rights of review you might have.

## What decision can I ask to be reviewed?

### **Introductory Tenancies**

Introductory tenancies last for 12 months. However, if we have any concerns about your ability to manage a longer tenancy or there have been minor breaches of your tenancy agreement (not serious enough to evict you) we can extend the 12 month period by another 6 months (making 18 months in total).

We will write and tell you why we made this decision. If you do not agree with our reasons, you can ask for a review.

If we decide that any breaches of your tenancy agreement are serious enough to evict you, then we can apply to court for a possession order. Again, we will write and tell you why we reached that decision. If you do not agree with our reasons, you can ask for a review.

### **Fixed-term Tenancies**

In Solihull we offer fixed-term tenancies for between 2 and 5 years. Our tenancy policy sets out who gets what. If the fixed-term we offer you is not in the tenancy policy you can ask us for a review.

If we decide that any breaches of your tenancy agreement are serious enough to evict you, then we can apply to court for a possession order. We will write and tell you why we reached that decision. If you do not agree with our decision, you can ask for a review.

### **Secure tenancies**

Instead of asking the court to evict a tenant we can ask a court to make a Demotion Order instead. We can also ask the court to decide between a Demotion Order and a Possession Order (eviction).

We will write and tell you why we reached that decision. If you do not agree with our reasons, you can ask for a review.

If a court makes a Demotion Order and you go on to make further breaches of your tenancy agreement that are serious enough to evict you, then we can apply to court for a possession order. We will write and tell you why we

reached that decision. If you do not agree with our decision, you can ask for a review.

### How do I ask for a review?

Unless the request for a review is about a fixed-term tenancy there is no specific format. You can write to us, telephone us, fill in an online form or call into a Solihull Connect office to request a review.

If you want us to review a fixed-term tenancy it is a legal requirement that the request is made in writing. There is also specific information you need to tell us:

- Your name, address and contact details including email address;
- What the original decision was and the date on which the decision was made;
- If the review is about the length of the fixed-term tenancy, a statement of the reasons why, in your opinion, the length of the tenancy is different to the tenancy policy;
- In any other case, a statement of the grounds on which the review is sought;
- If you would like a hearing in person or not
- The way you would like us to contact you,

A review form is available on our website.

### When can I ask for a review?

For a decision about **fixed-term tenancies** you have 21 calendar days beginning with the day on which you first receive the offer of a fixed-term tenancy. This is usually the same time as you sign the tenancy agreement.

**For introductory tenancies** a review of a decision to seek an order for possession or to extend the introductory period must be made within 14 days of the notice being given.

**For demoted tenancies** a review of a decision to seek an order for possession must be made within 14 days of you receiving the notice

If you can't ask for a review within these deadlines it is very important that you let us know why, as soon as you can.

### **What happens next?**

We will write to you to acknowledge that we have received your request for a review.

After that we will let you know when the review will take place. We will also tell you what evidence was used to make the decision (you can ask for copies of the evidence).

If you want to make written submissions (why you think the decision was wrong) then you can. The acknowledgement letter will tell you when any submissions need to be received by. This is usually a couple of days before the decision on review is due to be made.

An officer (who was not involved in the original decision) then looks at the decision again and decides if it was the right decision. The reviewing officer will also check that the correct procedures were followed.

Once a decision has been made the reviewing officer will confirm what has been decided.

If you prefer you can ask to speak to the reviewing officer in person or ask someone else to speak on your behalf (this is called an oral hearing). They can be a friend or relative or someone who is legally qualified, such as a solicitor (although you will probably have to pay a solicitor yourself).

If you would like a hearing you must tell us when you ask for a review. If you don't then the review will be carried out in your absence.

You can also ask witnesses to attend the hearing and you can ask questions of any witnesses we ask to attend the hearing.

After the hearing the reviewing officer will tell you what has been decided. Sometimes this will be the same day but it may be later as the reviewing officer may need to review things before making a final decision.

If the reviewing officer agrees that the original decision was right, he or she will write and tell you why.

### **What if I can't attend the hearing?**

You can apply for a postponement of a hearing; however we do not have to agree to this. You must have a valid reason, such as a hospital appointment, a doctor's certificate etc.

### **Can I get any help with the review?**

If the review is about a decision to apply to court for a possession order then help might be available from a solicitor (however you may be charged for this advice depending on your circumstances, such as your income).

In all cases help is usually available from a citizen's advice bureau or a law centre.

### **We are here to help you.**

As our tenant we will offer you as much help as we can. We only evict people if we have no other choice. A decision to extend an introductory tenancy is only made if it is absolutely necessary and will avoid unnecessary evictions.

If you have any problems during your tenancy please contact your Tenancy Management Officer. They are here to help you.