

HORIZON HOUSING ASSOCIATION LIMITED	HOUSING SERVICES POLICY
TITLE	RIGHT TO COMPENSATION FOR IMPROVEMENTS
DATE OF APPROVAL	MARCH 2009
DATE OF REVIEW	MARCH 2012

1.0 AIM

This policy sets out how the Association will compensate tenants under the new Housing (Scotland) Act 2001, for qualifying improvements carried out within their home, when they terminate their tenancy with Horizon.

The policy will apply only to those tenants who have a Scottish Secure Tenancy.

2.0 EFFECTIVE DATE

This policy will apply to any qualifying improvements that commenced after 30th September 2002 where the Association's written consent has been granted and the tenancy has been properly terminated.

3.0 QUALIFYING IMPROVEMENTS TABLE SHOWN BELOW:

Below is a list of qualifying improvements and their life expectancy.

Table 1

Item	Lifespan (Years)
Bath or shower	12
Cavity wall insulation	20
Sound insulation	20
Double glazing or other external window replacement or secondary glazing	20
Draught proofing of external doors or windows	8
Insulation of pipes, water tank or cylinder	10
Installation of mechanical ventilation in bathrooms and kitchens	7
Kitchen sink	10
Loft insulation	20

Rewiring and the provision of power and lighting or other electrical fixtures including smoke detectors	20
Security measures other than burglar alarm systems	15
Space or water heating	12
Storage cupboards in bathroom or kitchen	10
Thermostatic radiator valves	7
Wash hand basin	12
Watercloset	12
Work surfaces for food preparation	10

4.0 NON-QUALIFYING IMPROVEMENT WORK

4.1 Only work that has the written approval of the Association prior to the commencement will qualify.

4.2 Compensation will not be payable in the following circumstances:

- a) The compensation would be less than £100 in value
- b) Where the tenancy ends as a result of:
 - i) Recovery of possession
 - ii) Disposal of the house under (section 14) HA(S) 1987
 - iii) Disposal of the house under (section 65) HA(S) 2001
- c) The right to buy has been exercised *
- d) The qualifying person has been granted a new tenancy, whether solely or jointly, of the same, or substantially the same house by the Association.

* Tenants of our Association do not currently have the right to buy.

5.0 CLAIM FOR COMPENSATION

5.1 Tenants must submit a claim in writing within 28 days of the end of their tenancy and no later than 21 days after the termination date.

5.2 The Association will respond within 28 days to any claims for compensation.

5.3 The following information must be submitted in order for the Association to consider a claim:

- Name and address of property and forwarding address where applicable;
- Details of the improvements and date of completion;
- Value of works with receipt of payment;
- Copies of any guarantees and any associated certification or documentation;
- Written evidence of the Association's permission;
- Copies of any instructions e.g. making good any unsatisfactory workmanship.

5.4 CALCULATING COMPENSATION

The amount of compensation for any qualifying improvement work will be calculated by the following formula:

$$\frac{C \times (Y-1)}{N}$$

C = The cost of the improvement work (less any relevant grants)

N = The anticipated lifespan (see previous page)

Y = The number of years, starting on the date which the improvement was completed and ending on the date that the tenancy ends.

A part year will be counted as a full year.

Adjustments to compensation calculation

In some cases the Association may adjust the amount of compensation payable to take account if it finds that:

- a) The cost of the improvement work was excessive
- b) The improvement has deteriorated greater than that anticipated in the lifespan.
- c) The tenant selected a higher quality product than would have been selected by the Association.

The compensation that will be paid will be no more than £4000 per improvement.

5.5 DEDUCTIONS FROM COMPENSATION AMOUNT

Any monies due to the Association by the tenant will be deducted before any payments are made and the tenant will be advised of the outcome of the claim in writing.

6.0 PAYMENT

Payment will be made by cheque within 28 days of notification that compensation is due.

The tenant will also need to confirm acceptance of the offer in order for the cheque to be released.

7.0 CONSULTING AND INFORMING TENANTS

7.1 Information for tenants on the Right to Compensation is detailed in our handbook. A leaflet was also issued to all tenants during the consultation stage of the SST.

7.2 This policy is being introduced in response to a statutory requirement. However we will consult tenants about any changes to the policy and seek feedback on the operation of the policy using our usual mechanisms e.g. tenant surveys.

8.0 DISPUTES

8.1 In instances where the tenant is not satisfied with the offer of compensation and wishes to raise a grievance, the tenant must do this in writing within 28 days of receiving our offer.

8.2 We will seek the views of an officer or surveyor who had no previous involvement in the award and either confirm the original decision or advise of any amendment to the original decision.

8.3 The tenant will have the right of appeal as set out within our complaints policy.

Footnote

The guiding legislation within the Housing (Scotland) Act 2001 can be found via the HMSO website at <http://www.scotland-legislation.hmso.gov.uk/legislation/scotland/acts2001/10010--c.htm>

Section 27 & 30, Paragraph gives the details