



DIO SD Accommodation Notice to Vacate guidance notes

Why is a Notice to Vacate issued?

A notice to vacate has to be issued as it is the legal notice terminating the Licence to Occupy. It can be issued as a result of discharge or retirement from the Armed Forces, marital breakdown, AWOL, breach of the terms of the licence or to mid tour move a family as a result of an upgrade or disposal project or where occupation is on an eligible basis and the Service Family Accommodation (SFA) is required for an entitled family. It is normal for a 93 day notice to be served, but in certain circumstances this can be as little as 28 days.

What happens about charges?

During the notice period the charges remain at service rates and for those paying through JPA there will be no change. You will be informed of the Damage for Trespass (also called Mesne Profits or Violent Profits) rate. This is significantly higher and you will be sent a statement each month. This is not collected through JPA and is paid manually by whoever is remaining in the property.

What happens about charges raised for damage or deficiencies on move out?

A condition assessment appointment is booked to determine the condition of the SFA and advise you of the standard required on vacation. For estranged couples any damages or deficiencies that are assessed at that point will be the responsibility of the Service person to pay. After the condition assessment the liability will be with the person remaining in the SFA. If the inspection does not happen then charges may be raised against both parties jointly and if legal action is taken by the MOD to recover these costs it will be for the Court to determine liability. It is therefore in the interests of both parties that this appointment goes ahead¹.

What if I have any special circumstances?

You will be sent a Proportionality Exercise and it is important that you tell us of any circumstances which may impact on how we proceed once the Notice to Vacate expires. This should include any medical or welfare issues and what arrangements you have in place for alternative accommodation. We will balance any of your circumstances against the criteria we consider which are whether the house is needed for entitled service families, if you are causing a management issue such as anti social behaviour, neighbour disputes, not allowing access for mandatory inspections such as gas safety and if you are paying DFTs. We will inform you of the outcome of the Proportionality Exercise.

Where can I get help with finding alternative housing?

Your Local Authority via their Homelessness Officer will provide assistance and advice about renting property; you can get their details from the Local Authority or Local Council website. You will need to show them a copy of your Notice to Vacate and you may also need to give them the Certificate of Cessation.

The Joint Service Housing Advice Office (JSHAO) provides information to Service Personnel about buying or renting civilian housing. They conduct briefings at various locations throughout the UK and Dependants are welcome to attend. The JSHAO may also in some cases help Service Leavers access rented accommodation via the MOD Referral Scheme. Contact details are: Tel: 0800 3287641. <https://www.gov.uk/housing-for-service-personnel-and-families>

Will I be taken to Court?

We will determine this once we have completed the proportionality exercise but we would rather work with you to assist you in a move to alternative housing. However, there will come a time if you have not moved on that court action could be necessary. You will be told the date and time of the hearing. Usually the District Judge will give you 28 days before the possession order can be enforced. Some LAs will not offer accommodation without an Order for Possession.

¹ We appreciate it can be difficult for both parties to be present at the condition assessment. If either of you feel this would be difficult then you can have somebody to represent you or have somebody else present with you.