

# Allotment Tenancy Agreement Breach, Re-entry and Notice to Quit Policy

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## 1. Introduction

1.1 This Policy applies to any Tenant who holds an Allotment Tenancy Agreement at any of the allotment sites in Gainsborough.

***Foxby Hill, Love Lane, North Warren, Showfield, and Spital Hill***

1.2 It will also be used by staff and Councillors.

1.3 This policy applies to all Tenants, who breach their Allotment Tenancy Agreement. However careful consideration will be given to Tenants who's individual circumstances prevents them from adhering to their Allotment Tenancy Agreement such as, but not limited to, illness, injury and or death of an immediate family member.

## 2. What is a breach of Allotment Tenancy Agreement?

2.1 A breach of Allotment Tenancy Agreement is when the Tenant fails to comply with any part of the Allotment Tenancy Agreement or Council Policies.

2.2 Please refer to the Allotment Tenancy Agreement and Council Policies to give a clear understanding of the conditions to which you have signed for and / or paid for an allotment garden. Please note that by paying for your Allotment Garden(s) and / or signing the Allotment Tenancy Agreement, you're agreeing to all terms and conditions set out in the Allotment Tenancy Agreement and Council Policies.

## 3. What will happen if I breach my Allotment Tenancy Agreement / next steps?

3.1 The Allotment Officer will attempt to contact the Tenant by telephone to discuss the breach.

3.2 Following on from any telephone call a letter will be issued outlining the discussions between the Allotment Officer and Tenant, noting any agreements that were made between the Allotment Officer and the Tenant to rectify the breach. The maximum timescale of such is twenty-eight (28) days.

3.3 If the Allotment Officer is unable to contact the Tenant by telephone, a letter or email will be issued outlining the concerns that have been raised. The Allotment Officer will give a maximum of twenty-eight (28) days' notice for the breach to be rectified.

3.4 If the breach has not been rectified in twenty-eight (28) days a further letter/ email will be issued advising the Tenant, they have a further twenty-eight (28) days to rectify the breach.

3.5 Failure to rectify the breach within the timescale set out in point 3.4 above will result in a notice to quit or re-entry notice being issued, giving the Tenant twenty-eight (28) days to clear their belongings from the plot.

3.6 After the twenty-eight (28) days stated in point 3.5, Gainsborough Town Council will terminate the Tenants Allotment Tenancy Agreement by re-entry due to the Tenant not duly complying with the conditions of their Allotment Tenancy Agreement.

3.7 If two (2) 'separate' recorded Allotment Tenancy Agreement breaches occur during a twelve (12) month period a notice to quit or re-entry notice will be issued if a third breach occurs, giving the Tenant twenty-eight (28) days to clear his / her Allotment Garden.

- 3.8 In the event of a proven serious breach of the Allotment Tenancy Agreement e.g., aggressive behaviour, verbal and or physical, threats to harm, vandalism or theft, a notice to quit or re-entry notice may be issued immediately following on from a Council and Police investigation whereby the Tenant was found to be charged of such behaviour. The notice served will give twenty-eight (28) days for the Tenant to remove all belongings from the Allotment Garden. The Tenant must arrange suitable times to attend the Allotment Garden with a member of the Council to remove their belongings.
- 3.9 Gainsborough Town Council will terminate the Tenancy by re-entry if the rent is in arrears for more than forty (40) days from the Allotment Tenancy Agreement date.
- 3.10 The Tenant has the right to appeal any breach notices they receive, within seven (7) days, with the reasoning for the appeal. The appeal will then be considered at a Property and Services Committee meeting. The Allotment Officer will forward all correspondence to the Members of the Committee to allow an informed decision as to either overturn the decision or to uphold it. The Committee decision will be final.