



THE UNION ADVICE SERVICE GUIDE TO HOUSING AND OFF CAMPUS ACCOMMODATION

Housing advice

Student housing is a key part of university life, but that doesn't mean it has to be uncomfortable or unsafe.

Living in shared accommodation is an important part of student life. Sharing with people who have different lifestyles, habits, customs, and cultures is normally a positive experience, but sometimes problems can arise.

If you're having problems with your accommodation, whether it's on campus or privately rented, you've come to the right place. Your Union Advice Service team can support you on a range of issues, including:

- **Contracts**

Before signing a housing contract why not ask the Advice Service to do a contract check for you. Also, make sure you read through our [checklist](#) before committing.

Remember you are signing a legally binding document so it is important you understand it fully before signing. It is possible to have a verbal agreement, but it is more difficult to establish and enforce your legal position.

Assured Shorthold Tenancies

Most students who rent from private landlords have an Assured Shorthold Tenancy, which gives them the exclusive right to occupy a room or house for at least 6 months or an agreed fixed-term period, and entitles them to 'quiet enjoyment' of the premises. Landlords can recover possession of the property at the end of the fixed term, but you are entitled to at least two months' written notice. You cannot be evicted unless the landlord obtains a court order. During the fixed-term a court order would only be available to a landlord on a limited number of grounds.

Tenancy types

It is common for students to live together in a shared house with either an individual or joint Assured Shorthold Tenancy agreement:

1. Individual tenancy

Each tenant has a separate agreement they alone have signed, with the exclusive right to occupy their room, and the shared right of access to the common areas e.g. bathroom, kitchen. Each tenant is individually responsible for paying the rent for their room. The landlord has the right of access to the common areas without your consent, and the right to bring in tenants to replace tenants who move out.

2. Joint tenancy

This is a single tenancy granted to, and signed by, a group of people. The whole of the house or flat is tenanted and the tenants, together, have the exclusive right to occupy all of the premises. The liability for observing the terms of the housing contract and paying rent is 'joint and several', meaning everyone in the house is responsible.

What if I live with my landlord?

If you have a 'resident' landlord you will not have an Assured Shorthold Tenancy - you will be either an 'unprotected tenant' or a 'licensee'. To qualify as a resident your landlord must have lived in the same building as you continuously since the start of the tenancy and it must be your landlord's only or main home.

Fixed-Term or Periodic Tenancy

A tenancy may either:

- Last for a fixed number of weeks, months or years - a fixed-term tenancy.
- Run indefinitely from one rent period to the next - a periodic tenancy.

What type of tenancy you have affects the notice you can or must give to end the tenancy.

What if the landlord has a mortgage on the house?

Where a landlord has a mortgage, but the lender is unaware that the property is being let, it is almost certain that the mortgage deeds prevent them from renting out the property. If the landlord should fall into arrears and it looks like the property will be repossessed, tenants are deemed to be illegal occupiers and have no security of tenure and will have to leave as soon as possible. Whoever your landlord has their mortgage with must send notice, at least 14 days before the hearing, to the property, addressed to the occupiers informing them of the action that is being taken against the landlord.

Unfair Tenancy Terms

Your landlord (or their agent) should not use unfair terms in the agreement, i.e. impose unfair penalties, restrictions or obligations on you, or be unclear about what you have to pay.

If you have any further queries concerning housing contracts or your rights and responsibilities as a tenant, please contact us.

Council Tax

Council Tax is payable on every property unless it is exempt from paying it for some reason. Some students may have to pay Council Tax, but **most will not**.

Which properties are exempt from Council Tax?

Properties exempt from Council Tax include:

- University-owned halls of residence (however, self-contained flats for tutors are classed as separate dwellings).
- Accommodation in which all the occupiers are **full-time students** or 'relevant persons'.

Who counts as a 'relevant person'?

A **full-time student** is a 'relevant person'. In addition, a 'relevant person' is a student's spouse or dependant who is not a British citizen and who is prevented, by certain terms from working or from claiming benefits. Properties occupied only by an international student and their spouse and family should usually be exempt.

Who counts as a full-time student?

Registered undergraduate and postgraduate students on courses classed as full-time by the University will count as 'students'.

If you are taking time out of a full-time course and intending to return, this is known as 'intercalation', and during this time you should **still be regarded as a student**. You should get a letter from the Student Centre.

Are you in your Thesis Pending Period?

If you are completing your PhD and are in your **thesis-pending period**, you should seek advice as you may be liable for Council Tax. Likewise, if you are in a thesis-pending extension period.

What if you live with a non-student?

If a full-time student lives in the same property as someone who is 18 or over and who is not a full-time student or 'relevant person', it means that it is likely Council Tax should be paid.

However, full-time students are not usually jointly and severally liable for the Council Tax if someone else is attracting the Council Tax to the property, and they have equal status in the house with the full-time student (i.e. joint tenants).

Who is liable to pay Council Tax?

The liable person(s) is the resident(s) of the dwelling with the highest legal interest in the dwelling – there is a 'hierarchy of liability'.

The liable person(s) will be either one or more of the occupiers of the property or someone who lives elsewhere e.g. your landlord.

How does the Council find out that you are a student?

At the end of October (and again in February), the University sends a list of all registered full-time students to the local councils listed below. If you live in one of these areas, your name should automatically appear on the list and your council should accept this as confirmation that you are a full-time student.

If your council asks for a certificate, you should tell them you are a full-time student at the University of Brunel and that your name should be on the list:

[Student discounts - Hillingdon Council](#)

Email: counciltax@hillingdon.gov.uk

What happens when I finish my degree?

If you have completed your degree and are no longer registered as a student, it is likely you will be liable to pay council tax. For final year undergraduates, the last day of the summer term is the official last day of your student status. This means that after the end of term, you will usually be liable to pay council tax until the end of your tenancy agreement (even if you are going to a different postgraduate

course next year). So, at the end of your tenancy you should make sure you check to see whether you are liable and how much you need to pay if you are. The local Councils do chase students for any Council Tax outstanding, so make sure you look out for letters from them.

Find Shelter advice by topic:

- [Homelessness](#)
- [Private renting](#)
- [Eviction](#)
- [Tenancy deposits](#)
- [Repairs](#)
- [Benefits and money problems](#)
- [Council housing](#)
- [Mortgage repossession](#)

If you want to find out more about renting, the government [how to rent pages](#) have lots of information.

Have more questions about student housing and accommodation? Get in touch:

advice@brunel.ac.uk

University information on living on campus can be [found here](#).

University information on living off campus can be [found here](#).

Useful Links

- **[Shelter](#)**: Information on renting agreements
- **Helpline 0808 800 4444**
- **[Unipol](#)**: Information on housing contracts
- **[Directgov](#)**: Information on types of privately-rented tenancies
- **[Citizens Advice](#)**: Information on tenancy agreements
- **If you're worried about someone you've seen sleeping rough, contact [StreetLink](#)**
- **[UKCISA](#)** – International students and Council Tax

