

NOTICE TO VACATE – FREQUENTLY ASKED QUESTIONS

Why is a Notice to Vacate (NTV) issued?

A NTV 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, 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 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 are unchanged. There is a breakdown of the Damage for Trespass (also called Mesne Profits or Violent Profits) rates within the NTV pack. Following the NTV expiring, you will be sent a statement each month by the Charges Team. This is not collected through JPA and is paid manually by whoever is remaining in the property.

In the case of estrangement, the serving person will remain responsible to pay for the SFA during the NTV period, and these will continue to be deducted via their JPA account. However, following the notice expiring the estranged spouse will then become liable for the Damage for Trespass rate as detailed above.

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

A Condition Assessment (CA) 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 CA appointment the liability will be with the person remaining in the SFA. It is in the interests of both parties that this appointment goes ahead.

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 NTV and you may also need to give them the Certificate of Cessation.

The Defence Transition Services (DTS) team are the MOD's tri-service focal point to provide service personnel and their dependants with civilian housing information. Details on their housing briefs and contact information is available on the GOV.UK website: [Information and guidance on civilian housing - GOV.UK \(www.gov.uk\)](#)

Enquiries should be emailed to: DBSVets-DTS-Central@mod.gov.uk

Service Leavers

Recently retired or redundant Service Personnel may apply to stay in Surplus SFA, for 12 months on the payment of market rates, where availability of accommodation allows this. Further information can also be found on Defence Instructions and Notices (DIN) - 2019DIN01-033 Extension of Eligibility to Occupy Surplus Service Family Accommodation by Service Leavers. For more information please visit: <https://modgovuk.sharepoint.com/sites/defnet/Corp/DINSpersonnel/2019/2019DIN01-033.docx>
Enquiries should be emailed to: modproperty.rentalenquiries@pinnaclegroup.co.uk

Where can I receive additional support?

We understand that this is a very worrying time, please find a list below of charities or organisations that may be able to offer you some additional help and support during this stressful time:

- SSAFA – 0800 731 4880 (please note this is a regional number and you should then be passed the details of your local support office) or please visit the following website for further ways you are able to contact SSAFA - <https://www.ssafa.org.uk/get-help/forcesline>
- Royal British Legion – 0808 802 8080 or for further details on how to contact RBL please visit <https://www.britishlegion.org.uk>
- Samaritans – 116 123 or email jo@samaritans.org for further details on how to contact the Samaritans please visit <https://www.samaritans.org/how-we-can-help/contact-samaritan/>

Will I be taken to Court?

We will determine this once we have completed the proportionality exercise; however, we would rather work with you to assist you in your move to alternative housing. We will need to balance your needs against the Service requirement. However, there will come a time if you have not moved on that court action could be considered 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 Local Authorities will not offer accommodation without an Order for Possession.

What is the difference between retention and a stay of legal action?

Retention is when regular serving persons request an extension of their entitlement. As you have had a change in your circumstances and are no longer entitled to SFA, retention is not applicable. Any request for retention of the SFA will be taken as a request for a stay of legal action.

As your request is unable to be reviewed as retention, documentation that you are requested to provide for retention is therefore not reviewed in the same way for possible irregular occupants' cases, however it is still information that we take into consideration when reviewing your case.

What is a stay of legal action and what are the implications this has on me?

A stay of legal action is one of DIO's locally agreed processes that we follow when reviewing cases. When a legal stay is granted for a possible irregular occupant, legal action has temporarily been deferred until the agreed stay expiry date, cases will then be subject for further review 14 to 28 days before the current stay of legal action expires.

The maximum stay of legal action that we can grant at one time is three months – the reasons for this is that it allows for us to monitor your occupancy, ensuring that regular payments of invoice for accommodation charges are being paid and obtain regular updates from yourself and answer any questions you may have.

When reviewing your request to remain in the SFA, once your entitlement has ended and the NTV has expired, we are looking to see that there is clear evidence of your future housing plans and that a short stay is pragmatic to enable your continuity of housing. Unfortunately, where you are unable to demonstrate that you have any firm future housing plans, a stay of legal action will not be granted to you.

How can I request a stay of legal action?

If you do not feel as though you can vacate the SFA by the NTV expiry and are wishing to request a stay of legal action, there are two ways you can request this.

Within your NTV pack you will find included a Proportionality Exercise Assessment Form (Prop Ex), this is not mandatory to complete, but if you have circumstances you wish for us to take into consideration when reviewing your case, we advise for the Licensee/remaining occupant(s) to provide as much information, as well as supporting documentation, as possible at the earliest opportunity to assist the LOE Team in making a decision.

If you don't complete the Prop Ex from within the NTV pack, you will receive another one during the NTV period.

You can also get in contact with the Loss of Entitlement (LOE) Team via the email address: DIORDAccn-LOETeam@mod.gov.uk and provide an update on your circumstances and the request for a stay of legal action, providing documentation to support.

What if I require more than three months occupation of SFA ?

DIO cannot offer security of occupation of your SFA, however in some areas where availability permits, Pinnacle Private Rental Team can offer a fixed term tenancy on a Common Law Tenancy agreement in your current SFA or another geographical location (subject to availability and reference checks), this can range from six months to a year tenancy.

There are various reasons as to why a notice may be issued if you were to take occupancy under a Common Law Tenancy, however we need to specifically make you aware that there is no guarantee of continued occupancy past October 2023 on a Common Law Tenancy. This is due to Accommodation Policy changing to increase the Entitlement of Service Persons under the Future Accommodation Model (FAM). Therefore, depending on the up take and requirements under FAM, if you remain in SFA we may issue a Notice to Quit in accordance with the terms of your licence.

For more enquires regarding this Pinnacle contact details are as follows:

Tel number: 0203 814 3500

Email: modproperty.rentalenquiries@pinnaclegroup.co.uk

If you reside in a PFI or BLH property transferring to a tenancy with Pinnacle is a possibility and can be considered.

Whose responsibility is it to hand the property back and how do I arrange a move out appointment?

In the case of a serving person leaving the military on a discharge basis (regular, medical, admin, disciplinary, etc.) the serving person and/or the spouse of the serving person can arrange the move out appointment for the SFA.

However, in the case of estrangement, it is the estranged spouses' responsibility to organise a move out appointment for the SFA. This is due to the estranged spouse having the 93-day entitlement to the SFA and, it is usually the case, that the serving person has already vacated the SFA upon their PSTAT Category being updated to reflect the estrangement.

When you are in a position to organise a move out appointment, you must contact the LOE Team. This can be done via our email (DIORDAccn-LOETeam@mod.gov.uk)

We recommend that you give 14 days' notice prior to the date you are requesting your appointment to be arranged for – this is due to appointments getting booked up in advance.

However, please be aware that we cannot guarantee availability of appointments.

Important key words and terminology:

- Notice to Vacate (NTV)
- Service Family Accommodation (SFA)
- Loss of Entitlement (LOE)
- Defence Infrastructure Organisation (DIO)
- Public Funded Initiative (PFI)
- Bulk Lease Hire (BLH)
- (Possible) Irregular Occupant – if you are unable to vacate the SFA by the NTV expiry date you will become an irregular occupant
- Future Accommodation Model (FAM) [Future Accommodation Model: what you need to know - GOV.UK \(www.gov.uk\)](#)
- Damage for Trespass (also known as “mesne profits” or “violent profits” in Scotland). This is legal terminology for the charges which will be applicable whilst you remain in occupation, which will take effect from the day after the NTV expires.

GDPR Consent

To enable the Loss of Entitlement Team to liaise directly with Army / RAF / Navy Welfare Services, Unit Welfare Officers and Local Authorities, we require consent from the family residing in the property. This can be received either via email, or by completing the Acknowledgement form and returning this to the Loss of Entitlement Team.