

NOMINATION AGREEMENT

DATED the _____ day of _____ 2013

The Parties: (1) EAST DEVON DISTRICT COUNCIL of Council Offices Knowle Sidmouth, EX10 8HL ("the Council")

(2) SANCTUARY AFFORDABLE HOUSING LIMITED (Industrial and Provident Society No IP31442R) whose registered office is at Chamber Court Castle Street Worcester WR1 3ZQ ("the Housing Association")

1. DEFINITIONS

- 1.1 **Affordable Rent:** rent subject to rent controls that require a rent of no more than 80 per cent of the local market rent (including service charges, where applicable).
- 1.2 **Approved Letting:** the grant of an Approved Periodic Tenancy pursuant to this agreement
- 1.3 **Approved Periodic Tenancy:** a periodic assured tenancy under the Housing Act 1988 or such other form as the Housing Association shall propose and approve, provided that the Housing Association may at its own discretion grant to each new Tenant for an initial period of up to one year a periodic assured shorthold tenancy
- 1.4 **Common Housing Register** means in the case of Rented Units the register or list of applicants maintained by "Devon Home Choice
- 1.5 **Corporation:** The Housing Corporation and any statutory successor bodies (including for the avoidance of doubt either or both of the Home and Communities Agency and the Tenant Services Authority)
- 1.6 **Designated Person:** any person or persons who at all material times immediately prior to the occupation of the Dwellings is on the Common Housing Register or housing transfer list of the Council or any Registered Social Landlord managing homes in East Devon, and is entitled for an offer of housing accommodation under the Council's allocations scheme under section 167 of the Housing Act 1996. Nomination preference should be given at all times to individuals who have a Local Connection to Axminster.

- 1.7 **Dwellings:** dwellings comprising six houses and four flats built on the Property and the word "Dwelling" shall be interpreted accordingly where the context requires
- 1.8 **Independent Arbiter:** an independent person appointed to determine a dispute between the parties pursuant to clause
- 1.9 **Initial Nomination Period:** the period of ten years commencing from the date of this agreement
- 1.10 **Lease:** a lease of even date made between the Council and the Housing Association pursuant to which the Property is demised to the Housing Association
- 1.11 **Local Connection :**
- persons who have been ordinarily resident in the Locality for a continuous period of three years immediately prior to the Dwelling in question being offered to them or for a continuous period of five years at some time in the past or
 - persons not resident within the Locality but employed in the Locality on a permanent basis for a continuous period of three years and who need to live closer to their employment or
 - persons who can demonstrate a close family connection to the Locality in that the person's mother father son or daughter or sibling has been ordinarily resident in the locality for a continuous period of five years immediately prior to the Affordable Units in question being offered to them
- 1.12 **Locality:** the administrative area of East Devon
- 1.13 **Nominee:** a person nominated by the Council as a prospective tenant of a Dwelling pursuant to clause 4 of this agreement
- 1.14 **Perpetuity Period:** the period of 125 years from the date of this agreement
- 1.15 **Primary Right:** the right to nominate Designated Persons to occupy 100% of the Dwellings during the Initial Nomination Period