

Wandsworth Borough
Council

Tenancy and Rent
Strategy

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Introduction

1. It is a regulatory requirement that registered providers of social housing in England must publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions and tackling tenancy fraud, and set out:
 - a) the type and length of tenancies they will grant including the circumstances in which they will grant tenancies of a particular type;
 - b) the circumstances in which they may or may not grant a tenancy;
 - c) the way in which a tenant or prospective tenant may complain about a decision on the tenancy they have been granted or the decision to not grant a tenancy;
 - d) the way in which a tenant or prospective tenant may appeal against a decision made by the registered provider of social housing;
 - e) the advice and assistance that they give to tenants on finding alternative accommodation in the event that a decision is made not to grant a tenancy;
 - f) their policy on taking into account the needs of those households who are vulnerable by reason of age, disability or illness, and households with children when allocating tenancies;
 - g) their policy on granting discretionary succession rights, taking account of the needs of vulnerable household members;
 - h) their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud; and
 - i) taking regard to relevant internal and external policies, strategies and regulatory legislation.
2. **Under the Localism Act (2011), registered providers of social housing in Wandsworth must have regard to this strategy when formulating their policies in relation to the types of tenancies they will grant in various circumstances and the circumstances in which they decide to end a tenancy by taking eviction proceedings against a tenant.** In addition, the Council expects that they will have regard to this strategy when formulating their rent policies and their policies on all the matters set out above.
3. In developing their policies, registered providers of social housing in Wandsworth should engage with and consult the Council to ensure that their policies reflect and align with the expectations set out in this strategy and ensure that the tenancies they issue are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community and the efficient use of their housing stock to assist in meeting the housing needs identified in Wandsworth.

4. As required by the Localism Act (2011) the Council will, having regard to the London Housing Strategy, keep this strategy under review and may modify or replace it from time to time. In particular, the Council will, as a minimum, annually review the Affordable Rent levels guidance, published annually in the Affordable Housing Update report presented to the Council in June committee. As also required by the Localism Act (2011), before making any modification to the strategy reflecting a major change of policy, the Council will:
 - a) Have regard to the Council's Tenancy Policy, Housing Allocation Scheme, Housing, Homelessness and Rough Sleeping Strategy, and the London Housing Strategy.
 - b) Send a copy of the draft strategy or proposed modification to every private registered provider of social housing for its district, and give the registered provider a reasonable opportunity to comment on the proposals; and
 - c) Consult the Mayor of London and other such persons as the Secretary of State may by regulations prescribe.
6. To assist the Council in keeping the strategy under review, comments on the strategy are welcome at any time. The Council also expects registered providers to assist in the ongoing monitoring and review of the strategy by providing feedback on the impact of the strategy.
7. **The Council expects all registered providers of social housing in Wandsworth to publish their policies on their website and make copies available free of charge to anyone who might request a copy.**

Type of tenancies

8. The preferred secure social housing tenancy supported by the Council are secure (lifetime) periodic / assured tenancies that offer a tenancy for life with no requirement for the tenant to undergo a review on whether a tenancy should be renewed. In exceptional circumstances (as outlined below) the Council would support the use of flexible fixed term tenancies, which is another secure social housing tenancy that is issued on a fixed period and requires a review towards the tenancy end date so a decision can be made on whether another tenancy is issued after the tenancy expires. See paragraphs 9 to 15 below that outline both tenancy types.

Secure periodic tenancies

9. Wandsworth Council believes that suitable and secure accommodation is essential to the overall health, wellbeing and stability of its tenants. For this reason, the Council supports the use of secure periodic / assured tenancies (preceded by a 12-month introductory tenancy where legislation allows) in most instances, which includes tenants of general needs and sheltered housing, and encourages registered providers of social housing to also use secure periodic / assured tenancies as their preferred tenancy type.

Flexible fixed term tenancies

10. There are exceptional circumstances when the Council would support the use of a flexible fixed term tenancy rather than a secure periodic / assured tenancy, and this only applies to tenants in general needs housing (see paragraphs 24 to 26). In these circumstances, registered providers of social housing should make a clear case for why a flexible fixed term tenancy is the most appropriate tenancy for the household.
11. The circumstances where the Council would support the use of flexible fixed term tenancies includes:
 - a. When the applicant is offered a property that has five or more bedrooms. This is due to there being a shortage of these property types when compared to the very high demand in the Borough. For larger households requiring larger sized homes, their household size may change over time, and flexible fixed term tenancies would enable reassessment of the household needs and help the registered provider of social housing identify households who no longer require such properties. This ensures that properties in very high demand are matched to the most appropriate households.
12. During any review period of a flexible fixed term tenancy, the Council expects registered providers of social housing to specifically review each tenant's household circumstances, housing need, tenancy record, the overall suitability of the property for their household and, taking these into account, their housing options.
13. When using flexible fixed term tenancies, the Council recommends that registered providers of social housing should issue all new social housing tenants an initial 12-month introductory tenancy (where legislation allows) followed by a ten year flexible fixed term tenancy, and all subsequent flexible fixed term tenancies will be of five years.
14. Registered providers of social housing may offer flexible fixed term tenancies of less than the initial ten years or subsequent five years but not less than two years in the following circumstances:
 - a. Where a tenant has not managed a previous tenancy well or has a history of anti-social behaviour or non-payment of rent; or
 - b. Where the tenancy is offered in a property which is due to be decanted for regeneration purposes.
15. There are restrictions on when registered providers of social housing can use flexible fixed term tenancies, and in all of the following circumstances only a secure periodic / assured tenancy must be offered:

- a. Where the registered provider of social housing offers a tenancy on Social Rent terms to an applicant who was already a social housing tenant as at 1st April 2012 and has remained a social housing tenant since that date;
- b. Where the tenancy is set at Social Rent levels and it is a new build property that has been funded via the GLA 2021-2026 Affordable Homes Programme;
- c. Where a secure periodic / assured tenant had been moved into alternative accommodation during any redevelopment or other work; and
- d. Where a secure periodic / assured tenant or member of the person's household is or has been the victim of domestic abuse carried out by another person and the registered provider of social housing grants a new tenancy for reasons connected with that abuse.

Introductory tenancies

16. For all new tenants of social housing, the Council expects registered providers of social housing to offer a 12-month introductory tenancy which is a probationary period for new tenants. This 12-month introductory period gives the tenant time to understand their responsibility as a social housing tenant and encourages tenants to abide by the terms and conditions of their tenancy.
17. Registered providers of social housing should use the 12-month probationary period to identify any issues that may have become apparent since the tenant started their introductory tenancy. Where any issues have been identified, the registered provider of social housing should work with the tenant to resolve these issues so that homelessness can be prevented before a decision to not grant a secure periodic tenancy at the end of the introductory period is made.
18. At an end of an introductory tenancy, the tenant should automatically become a secure social housing tenant or if there is a record of breaches of the tenancy conditions the registered provider of social housing may decide to either extend the introductory tenancy by another 6-months or decide not to issue a secure social housing tenancy at the end of their introductory tenancy.
19. In the event that the registered provider of social housing has made a decision not to issue a secure social housing tenancy on expiry of an introductory tenancy - for example where a tenant has generated a significant amount of rent arrears or there is recorded evidence of anti-social behaviour – the registered provider of social housing will be minded to take legal action to repossess the property.

Existing tenants on flexible fixed term tenancies

Surrendering a flexible fixed term tenancy and re-grant of a secure periodic tenancy

20. From March 2013 to November 2022, the Council was offering flexible fixed term tenancies to most new tenants (where legislation allowed), and would only offer secure (lifetime) periodic tenancies in exceptional circumstances. However, following review of this approach, the Council believes (as set out in paragraphs 8 to 9) that the use of secure periodic tenancies offers the best level of security to tenants in most instances, while the use of flexible fixed term tenancies is appropriate in certain circumstances, as outlined in paragraphs 10 to 11.
21. Therefore, the Council would encourage all registered providers of social housing to offer a secure periodic tenancy to current tenants on flexible fixed term tenancies. In deciding whether to do so, the registered provider should consider the tenant/s' conduct during their tenancy, any outstanding arrears and action being taken in respect of any breaches of tenancy conditions, and the most appropriate approach for converting existing flexible fixed term tenancies to secure periodic tenancies, for example by surrender and grant.

General needs and sheltered housing

22. The Council offers two mainstream types of social housing, the first being general needs housing, which includes the majority of the Council's social housing stock. The Council also offers sheltered housing as an option for residents aged 55+.
23. The Councils supports the use of secure periodic / assured tenancies (preceded by a 12-month introductory tenancy where legislation allows) for both general needs and sheltered housing for all tenants, and supports the use of fixed term tenancies (for general needs housing only) in exceptional circumstances as outlined in the Wandsworth Council Tenancy Policy, paragraphs 9 to 14. The Council believes the use of secure periodic / assured tenancies provides its tenants with greater long-term housing security and enables registered providers of social housing to manage their stock and tenants effectively. The Council thus encourages all registered providers of social housing in Wandsworth to use secure periodic / assured tenancies (preceded by a 12-month introductory tenancy where legislation allows) in most instances for all general needs housing, and to use secure periodic / assured tenancies in all instances for sheltered housing.
24. The majority of social housing offers made within the Wandsworth borough are made via the Council's housing register, which is shared with all registered providers of social housing in Wandsworth. Therefore, for all existing social housing tenants who are offered a new tenancy via the Council's housing queue, or via a mutual exchange, a management transfer or any other move within Wandsworth should be offered an immediate secure periodic / assured tenancy without the requirement to undertake a 12-month introductory tenancy, or under exceptional circumstances a flexible fixed term tenancy.

Social Rent and Affordable Rent terms

25. Registered providers of social housing must set rents in accordance with the national Regulatory Framework for Social Housing as per the National Rent

Standard Formula, which gives registered providers some discretion over the rents that can be set. In setting rent levels, a crucial balance must be struck between ensuring that housing let by registered providers is affordable to all, including those on low incomes and / or in receipt of benefits, and maximising income to enable the development of more affordable housing.

26. All social housing tenancies offered must be on Social Rent or Affordable Rent terms and the Council encourages all registered providers of social housing in the Wandsworth borough to offer only secure periodic / assured tenancies (preceded by a 12-month introductory tenancy where legislation allows) and would in exceptional circumstances support the use of flexible fixed term tenancies. Registered providers of social housing must have regard to this strategy when formulating their own tenancy and rent strategy and policy, and rent levels must be set in accordance with the National Rent Standard as set by the Regulator of Social Housing.

Social Rent terms

27. The majority of the Council's social housing tenanted stock is let to residents on Social Rent terms, which is the lowest rent level which the Council can offer. All other Wandsworth social housing tenancies will be let at Affordable Rent levels (see paragraphs 33 to 37).
28. All social housing tenants in Wandsworth who are offered tenancies on Social Rent terms will remain on Social Rent terms throughout their tenancy, and if they are on a flexible fixed term tenancy, they will remain on Social Rent terms if they are offered a new social housing tenancy at the same property.
29. If an existing social housing tenant on Social Rent terms is offered a new social housing tenancy at a different property via the Council tenant transfer queue (or via any other move) the tenant could be offered a tenancy set at Affordable Rent, though the tenant would retain the same tenure security as their preceding social housing tenancy and would not be offered a tenancy with any less security.
30. The council encourages all registered providers of social housing to use only secure periodic / assured tenancies (preceded by a 12-month introductory tenancy where legislation allows) when an offer is made on Social Rent terms, and to only use fixed term tenancies in exceptional circumstances as outlined in the Wandsworth Tenancy Policy.

Affordable Rent terms

31. As stipulated in paragraph 25, a small number of the Council's social housing dwellings will be let to tenants on Affordable Rent terms.
32. As with tenants on Social Rent terms, Wandsworth Council tenants offered a tenancy on Affordable Rent terms will be made an offer of a secure periodic tenancy (preceded by a 12-month introductory tenancy where legislation allows) in most instances, and the Council encourages all registered providers

of social housing to use secure periodic / assured tenancies (preceded by a 12-month introductory tenancy where legislation allows) where possible when offering a tenancy on Affordable Rent terms.

33. Affordable Rent levels differ from Social Rent levels in regards to the amount of rent which a social landlord can charge the tenant as set out via the National Rent Formula by the Regulator of Social Housing (see paragraph 23). There are different regulatory guidelines between the setting of Social Rent and Affordable Rent terms.
34. All Affordable Rent levels are outlined in the annual Affordable Housing Update produced by the Council which are sent for approval at the Housing Committee in June. This contains the latest 'Capped Affordable Rent' and 'Discounted Affordable Rent' figures (reflecting the latest GLA requirements).
35. The Council expects registered providers to ensure that affordable housing rents in Wandsworth are set with regard to the Affordable Rent levels approved by Wandsworth Council in the Affordable Housing Update reported to committee annually or at such other rent levels as may be agreed with the Council. Any Affordable Rent levels that are set for Wandsworth should be discussed with the Council's Head of Housing Enabling and Special Projects.

Tenancies for applicants who were already social housing as at 1st April 2012

36. The Council encourages registered providers of social housing to offer only secure periodic / assured tenancies to all existing social housing tenants, regardless of when they became a social housing tenant, and to only offer a flexible fixed term tenancy under exceptional circumstances as set out in paragraphs 10 to 11. In all instances, a registered provider of social housing must follow the Regulatory Framework for Social Housing in England (see below).
37. Where registered providers of social housing offer a tenancy on Social Rent terms to an applicant who was already a social housing tenant as at 1st April 2012 and has remained a social housing tenant since that date:
 - The Regulatory Framework for Social Housing in England requires them to offer a tenancy with no less security of tenure.
38. Where registered providers of social housing offer a tenancy on Affordable Rent terms, they must consider the following if the applicant was already a social housing tenant as at 1st April 2012 and has remained a social housing tenant since that date:
 - There is no regulatory requirement that a tenancy with no less security of tenure must be offered where the tenant chooses to move; but
 - The Regulatory Framework for Social Housing in England requires them to grant tenants who have moved into alternative accommodation during any redevelopment or other works a tenancy with no less security of tenure on their return to settled accommodation.

Granting discretionary succession rights

39. For tenancies that started after 1st April 2012 there is a statutory right to only one succession for spouses and civil partners (and people who were living with the tenant as if they were their spouse or civil partner) i.e. when the tenant dies, their spouse or civil partner (or person who was living with them as if they were their spouse or civil partner) can by law succeed the deceased tenant (take over their tenancy) provided that they were occupying the property as their only or principal home at the time of the tenant's death and the deceased tenant did not succeed the previous tenant.
40. However, all registered providers of social housing can choose to grant additional succession rights in tenancy agreements to:
- a. allow spouses and civil partners (and people who were living with the tenant as if they were their spouse or civil partner) to succeed the deceased tenant (take over the tenancy) even if there has already been one or more successions; and / or
 - b. allow others (e.g. family members or resident carers) to succeed the deceased tenant (take over their tenancy) if the deceased tenant did not have a spouse or civil partner (or a person with whom they lived as if they were spouses or civil partners) who was occupying the property as their only or principal home at the time of the tenant's death.
41. It is the Council's view that to ensure the best use can be made of the housing stock in Wandsworth to meet residents' needs, registered providers of social housing should not usually grant additional succession rights in tenancy agreements for properties in Wandsworth. Instead, they should set out in their policies the circumstances in which they will consider granting a new tenancy (of either the same property or one or more different properties) to a person (e.g. a family member or person who provided care to the deceased tenant) with no statutory right of succession, as the Council does in its Housing Allocation Scheme.
42. Where registered providers of social housing offer a tenancy to an applicant who was already a social housing tenant as at 1st April 2012, they should have regard to the following when deciding what, if any, additional succession rights to grant in the tenancy agreement.
43. One circumstance where additional succession rights could be included in the tenancy agreement is where this is needed to encourage the tenant to move to more suitable accommodation thereby freeing up their existing home for another household, particularly for tenants moving to a smaller home and those moving via a mutual exchange. The Council encourages mutual exchanges particularly where these resolve a housing issue (for example where a tenant who is under occupying their home exchanges with a tenant resulting in them no longer being overcrowded) or where it provides opportunities for the household wishing to exchange (for example, securing employment). Therefore, the Council would expect that the new tenancy terms offered by registered providers to tenants wishing to exchange would, as far as possible, reflect the existing terms enjoyed by the exchanging parties where such benefits are identified.

44. Where a registered provider of social housing believes that additional succession rights should be granted in a tenancy agreement for a property in Wandsworth, the Council would wish them to set out the reasons in order that the Council can consider the case and confirm whether it supports the proposal that additional succession rights should be granted.
45. For detailed information on statutory succession rights for social housing tenancies, please see Appendix 1 for tenancies that started after 1st April 2012, and Appendix 2 for tenancies that started before 1st April 2012.

Provision of advice and assistance to household members of a deceased tenant

46. Where a tenant of a social housing property in Wandsworth dies and there is no statutory right of succession but the property continues to be occupied by people who were living with the tenant, registered providers of social housing should review the household's circumstances and housing options with them to determine whether one or more of them should be offered a tenancy of either the property they are occupying or one or more different properties and, if so:
 - a. The type and length of tenancy to be offered; and
 - b. what rent should be charged (within legislative and regulatory requirements).
47. Where a registered provider decides to seek possession of a property in Wandsworth following the tenant's death, the Council would expect them to provide advice and assistance that is fit for purpose to any persons remaining in occupation. This advice and assistance should ensure as far as possible that no negative impacts arise for the Council's advice and assistance services.

Appeals and complaints

48. As set out in the introduction to this strategy, it is a regulatory requirement that registered providers of social housing must publish clear and accessible policies which set out the way in which a tenant or prospective tenant may appeal against or complain about:
 - a. the type of tenancy offered;
 - b. the length of tenancy offered; or
 - c. a decision not to offer another tenancy at the end of an existing tenancy of any type.
49. The Council expects registered providers of social housing in Wandsworth to:
 - a. have an approach to appeals and complaints that is clear, simple and accessible and ensures that they are considered and resolved promptly, politely and fairly;
 - b. publish their appeals and complaints policies on their website and make copies available free of charge to anyone who might request a copy; and

- c. where tenants / prospective tenants have the right to request a review of or appeal against a decision, notify them of this right in any correspondence communicating such a decision. Details should be provided of any timescale in which the review request or appeal must be made and the administrative arrangements for requesting and conducting the review / considering the appeal.

Approach to tenancy management

Tackling tenancy fraud

50. As explained in the introduction to this strategy it is a regulatory requirement that registered providers of social housing must publish clear and accessible policies which outline their approach to tenancy management including tackling tenancy fraud.
51. The Council expects registered providers of social housing to take immediate action to terminate tenancies of properties in Wandsworth where they have been obtained by the making of a false or misleading statement.
52. The Council also expects registered providers to take a proactive approach to undertaking occupancy checks for properties in Wandsworth and encourages them to work in partnership with the South West London Fraud Partnership (SWLFP) (E-mail: swlfp@richmondandwandsworth.gov.uk) to tackle tenancy fraud. The SWLFP can help by cross matching data from various databases and registered provider tenancy databases to identify discrepancies that indicate potential tenancy misuse or unlawful subletting and referring anomalies identified to the registered provider for further investigation. The SWLFP will, where requested, also support registered providers around the management of complex cases to regain possession of the property.

Interventions to sustain tenancies and prevent unnecessary evictions

53. It is a regulatory requirement that registered providers must publish clear and accessible policies which outline their approach to tenancy management including interventions to sustain tenancies and prevent unnecessary evictions.
54. The Council expects that registered providers of social housing in Wandsworth will:
 - a. develop and provide services that will support tenants of properties in Wandsworth (particularly those who are identified as vulnerable and showing a clear indication of failure to maintain their tenancy and / or are engaging in anti-social behaviour) to maintain their tenancy and prevent unnecessary evictions; and
 - b. provide appropriate assistance for vulnerable perpetrators of anti-social behaviour to prevent and tackle any issues that arise in Wandsworth but also ensure that Wandsworth residents who experience anti-social behaviour are well supported.
55. The Council is committed to using the full range of powers to tackle anti-social behaviour including interventions such as mediation and provision of support but will,

where such interventions do not work, take firm action against any breach of tenancy conditions.

56. The Council expects registered providers of social housing in Wandsworth to take the same approach and to work in partnership with the Council to tackle anti-social behaviour. In particular, it would not be appropriate for a registered provider to seek possession of a property where there would then be a duty on the Council to provide accommodation, except where there is an agreed plan of action.

APPENDIX 1: Succession rights for tenancies that started after 1st April 2012

Secure tenancies cannot be 'gifted' in a will.

When a joint tenant with a secure tenancy (including flexible fixed term tenancies but excluding periodic tenancies arising on the termination of a fixed term tenancy) **that started after 1st April 2012 dies**, the tenancy continues in the remaining joint tenant's name.

When a sole tenant with a secure tenancy (including flexible fixed term tenancies but excluding periodic tenancies arising on the termination of a fixed term tenancy) **that started after 1st April 2012 dies and there has been a previous succession** (see box below), nobody is entitled to succeed the tenant (take over the tenancy) unless such a right is granted by the tenancy agreement although the landlord may agree to offer a new tenancy.

There is deemed to have been a previous succession if the tenant who has died either:

- a) Had a joint tenancy and became a sole tenant when the joint tenant died; or
- b) Succeeded the tenant (took over the tenancy) when the previous tenant died; or
- c) Was a person qualified to succeed who was assigned the tenancy prior to the tenant's death.

When a sole tenant with a secure tenancy (including flexible fixed term tenancies but excluding periodic tenancies arising on the termination of a fixed term tenancy) **that started after 1st April 2012 dies and there has been no previous succession** (see box above):

- The tenant's spouse or civil partner (or a person with whom the tenant lived as if they were spouses or civil partners) is qualified to succeed the tenant (take over the tenancy) as long as they were occupying the property as their only or principal home at the time of the tenant's death.
- Where there is more than one qualifying person to succeed, the late tenant's spouse/civil partner takes precedence but otherwise the qualifying persons must agree amongst themselves who is to take over the tenancy. If they are unable to agree between them, the landlord should choose.
- If the deceased tenant did not have a spouse or civil partner (or a person with whom they lived as if they were spouses or civil partners) who was occupying the property as their only or principal home at the time of the tenant's death, nobody is entitled to succeed the tenant (take over the tenancy) unless they are entitled to do so under the tenancy agreement.

Where nobody who was living with the tenant is entitled to succeed the tenant (take over the tenancy), the landlord may agree to offer a new tenancy and must do so where the tenancy agreement requires them to.

APPENDIX 2: Succession rights for tenancies that started before 1st April 2012

A secure tenancy cannot be 'gifted' in a will.

When a joint tenant with a secure tenancy that started before 1st April 2012 dies, the tenancy continues in the remaining joint tenant's name.

When a sole tenant with a secure tenancy that started before 1st April 2012 dies and there has been a previous succession (see box below), nobody is entitled to succeed the tenant (take over the tenancy) although the landlord may agree to offer a new tenancy.

There is deemed to have been a previous succession if the tenant who has died either:

- a) Had a joint tenancy and became a sole tenant when the joint tenant died; or
- b) Succeeded to (took over) the tenancy when the previous tenant died; or
- c) Was a person qualified to succeed who was assigned the tenancy prior to the tenant's death.

When a sole tenant with a secure tenancy that started before 1st April 2012 dies and there has been no previous succession (see box above):

- The tenant's spouse or civil partner is legally entitled to succeed the tenant (take over the tenancy) as long as they were occupying the property as their only or principal home at the time of the tenant's death.
- If the deceased tenant did not have a spouse or civil partner who was occupying the property as their only or principal home at the time of the tenant's death, certain members of the tenant's family including partners (see below) qualify to succeed the tenant (take over the tenancy) as long as they were occupying the property as their only or principal home at the time of the tenant's death and had been living with the tenant for at least 12 months prior to their death. However, where the property is larger than reasonably required by the successor tenant and / or it has been adapted for a disabled person, the successor tenant may be legally required to move to a smaller property.

The following people qualify to succeed the tenant (take over the tenancy) as long as the conditions outlined above are met:

- The tenant's partner i.e. a person with whom the tenant lived as if they were spouses or civil partners;
- The tenant's parent, grandparent, child, grandchild, brother, sister, uncle, aunt, niece or nephew
 - A relationship by marriage is treated as a relationship by blood and the stepchild of a person is treated as his or her child;
 - A relationship of the half blood is treated as a relationship of the whole blood;
 - An illegitimate child is treated as the legitimate child or his or her mother and reputed father.

If more than one person qualifies to succeed the tenant (take over the tenancy) they should choose between them which one of them should succeed the tenant (take over the tenancy). If they are unable to agree between them, the landlord should choose.