

ACCOMMODATION GUIDE

ALL YOU NEED TO KNOW!



2nd EDITION
2019

I. Introduction	3
1. Finding an accommodation	
FORM 1 3 TYPES OF ACCOMMODATION	4
FORM 2 WHERE TO FIND IT?	5
FORM 3 THE PRIVATE ACCOMMODATION	6
FORM 4 HOW TO CONTACT THE OWNER ?	8
FORM 5 VISITING THE ACCOMMODATION	9
FORM 6 WHAT IF YOU CANNOT FIND AN ACCOMMODATION ?	14
2. Settling into an accommodation	
FORM 1 SIGNING A LEASE AGREEMENT	16
FORM 2 RENTAL DEPOSIT	17
FORM 3 INCOMING INVENTORY OF FIXTURES	19
FORM 4 WATER, GAS AND ELECTRIC METERS	20
FORM 5 CHARGES	23
FORM 6 BUYING CHEAP FURNITURE	24
3. Living in an accommodation	
FORM 1 FINANCIAL HELPS FOR ACCOMMODATION	25
FORM 2 FINANCIAL HELPS FOR ENERGY	27
FORM 3 RIGHTS AND DUTIES	29
FORM 4 WORKS	32
FORM 5 IN CASE OF PROBLEM	34
FORM 6 CONFLICT WITH THE NEIGHBOURS	37
FORM 7 DENIED DOMICILIATION	38
4. Leaving an accommodation	
FORM 1 CANCELLATION OF THE LEASE AGREEMENT	40
FORM 2 OUTGOING INVENTORY OF FIXTURES	43
5. Understanding the post	
FORM 1 HELPING SERVICES	45
N. Notes	47

This guide has been written together by some “experts de vécu” (lived experts) and social housing workers of the DAL (Droit Au Logement – Housing’s Right) of Tournai.

An “Expert de vécu” (lived expert) in housing access is someone who met and found solutions about:

- Discriminations in access to housing
- Difficulties to understand the steps required for the installation
- Commitments implied by the renting contract.

This tool is the result of an association of the knowledges diversity (experimental and professionals).

It is made as a practical guide designed to assist people along their “inhabitant” cursus. It provides informations about the different kind of housing in Belgium, and explains exactly who are the stakeholders of the housing sector and how to do in Tournai to :

- Find an accommodation
- Move in the accommodation
- Live in an accommodation
- Leave an accommodation
- Understand mails

The tool provides also information about the different housing solutions for people who have no habitation.

Its aim is to improve the housing access and retention by rising knowledges about rights and duties of the tenant and the owner, and to encourage the discussion between both parts.

FORM 1 3 TYPES OF ACCOMMODATION

PRIVATE ACCOMMODATION

The owner is free to fix the price.

A.I.S Agence Immobilière Sociale (Social Real Estate)

The rent is cheaper than the private accommodation but more expensive than the public one.

THE PUBLIC ACCOMMODATION

Société de Logement de Service Public -
The public accommodation company

The rent is fixed according to the tenant's income, the household composition, the state of the accommodation and how old it is.

CPAS (Centre Public d'Aide Sociale -
Community Social Action Association)

The rent is fixed according to the accommodation value.

FORM 2 WHERE TO FIND IT?

MAISON DE L'HABITAT - THE ACCOMMODATION HOUSE

Public accommodation

Thursday 8.45-12.00

Go to a duty period to get registered

Required documents :

- composition de ménage - household composition (municipal administration) ;
- proof of your current income ;
- last avertissement extrait de rôle (last tax assessment) ;
- family allowance certificate (family allowance department).

According to the situation :

- attestation allowing the accommodation for 1 or more children ;
- recognition of disability (SPF Sécurité Sociale - Social security Ministry)- attestation sans-abri délivrée par le CPAS ;
- homeless certificate, delivered by the CPAS ;

Private accommodation

Tuesday 13.30- 16.30
Thursday 9.00- 12.00

- Atelier recherche logement (working group finding an accommodation)
- Recent advertisement ;
 - Phone calls and internet ;
 - personalised support.

MAISON DE L'HABITAT

14, rue des Corriers à Tournai
(behind the Colruyt in the city centre).

FORM 3 THE PRIVATE ACCOMMODATION

- **Working group Finding an accommodation > see form 2 “finding an accommodation”**

Duty periods : Tuesday 13.30 - 16.30 and Thursday 9.00 - 12.00 – 14, Rue des Corriers à Tournai.

- **Real Estate Agencies (intermediaries between the candidates and the owners)**

How do they work ?

- Contact the agency to visit the accommodation ;
- Fill in the application form that will be relayed to the owner ;
- The owner decides to whom he will rent his accommodation.

Some agencies charge costs.

Sometimes, the agency doesn't respond to your application.



- **The real estate agencies in Tournai that do not charge costs :**

- **Agence Leclercq :** Boulevard des déportés, 58
069/89.18.91
- **GIT :** Rue Royale 14b – 069/23.40.02
- **Picq immobilier :** Avenue de Maire 23/B
069/21.50.17

- **In the street, when you see this poster on the buildings :**



FORM 3 THE PRIVATE ACCOMMODATION

- **Consulting specialised websites on internet**

- www.wapi-annonces.be
- www.2ememain.be
- vivastreet.be
- immo.vlan.be
- www.immoweb.be
- proximagservices.lavenir.net

FORM 4 HOW TO CONTACT THE OWNER ?

• Introduce yourself :

- By phone, most of the time ;
- This moment is very IMPORTANT because the owner will make a first selection ;
- Be attentive to what is written in the advertisement to check the information that is given (rent price, how many bedrooms, detailed address...).

• Here is a conversation model :

Good morning/afternoon/evening,
 - I call you about the advertisement concerning an accommodation to rent ;
 - Is it still free ? ;
 - Is it possible to visit it ?



- The aim of this phonecall is to obtain an appointment to visit the accommodation and check if it is appropriate for you ;
- If the accommodation suits you, the rental deposit and the lease agreement will be discussed.

• How to convince the owner to rent the accommodation to you ?

If the tenant receives a Revenu d'Intégration Sociale (R.I.S. - social integration income), the divided payment is a good argument. It reassures the tenant because the rent is directly paid by the CPAS. You have to ask it to a social worker at the CPAS.



The owner has the right to ask to the tenant candidate the proof that he paid the last 3 months rent and a household composition.

FORM 5 VISITING THE ACCOMMODATION



It is a very important moment to check the quality of the accommodation BEFORE you commit yourself to rent it!

1. The entrance :

It must have :

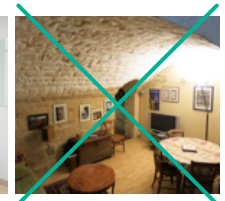
1. a front door in a good state that can be locked ;
2. one letterbox for every tenant ;
3. a doorbell that works properly.



2. Indoor :

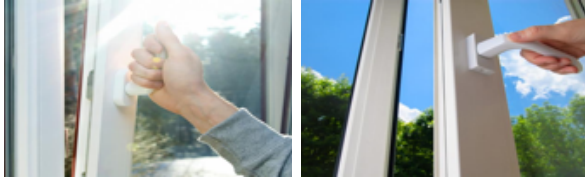
It must have :

- smoke alarms ;
- rooms with natural light ;

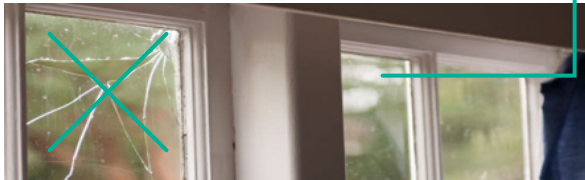


FORM 5 VISITING THE ACCOMMODATION

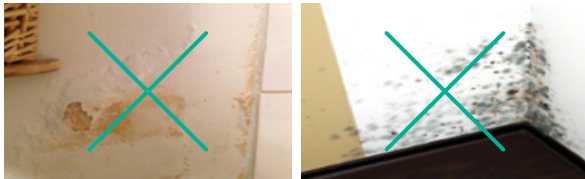
- windows that open and close properly in every room;



- window panes and chassis in a good state (double-glazing is not compulsory but it is better);



- Have a look to the ceilings and the corners of every room to check that there is no humidity or mould stains;



FORM 5 VISITING THE ACCOMMODATION

3. Sanitary facilities

It must have:

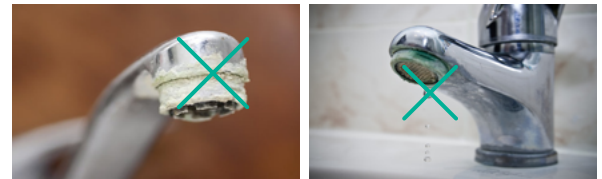
- a toilet with bowl and a flush mechanism in a good state;



- The bathroom must have a **window¹** (the can be opened) or a **ventilation system²** (ventilation grid or air extracteur towards the outside);



- The taps are not dropping when they are closed? Be attentive to **scale**;



FORM 5 VISITING THE ACCOMMODATION

4. Warming and water heater

There are a lot of different systems and sometimes they are very old. When you visit the accommodation, it is better to be with someone who has technical knowledge.

- 3 different ways to have warming and hot water :
 - Electricity ;
 - Gas ;
 - Oil.
- 3 meters (electricity, gas and water) and the compteur à budget (budget meter) :



The accommodation must have its own meters. This way, it is possible to calculate your personal consumption. You must have access to the meters all the time.

1. Gas meter ;
2. Water meter ;
3. Electricity meter [The best option is a bi-horaire meter (double-scheduled : the price is different during the day than during the night)] ;
4. The budget meter.



FORM 5 VISITING THE ACCOMMODATION



It works with a prepaid rechargeable electronic card. You must charge your card with money to have gas or electricity.

Advantages :

- you have gas and electricity and you can control your consumption ;
- at every moment you can see how much energy you have spent and what is left on your card ;
- you have an emergency credit that gives you time to recharge your card.

More information :

<https://www.ores.be/particuliers-et-professionnels/comment-ca-marche>



For electricity, you also must have access to the distribution board all the time.



FORM 6 WHAT IF YOU CANNOT FIND AN ACCOMMODATION ?

- **Night shelter in Tournai**

9, rue de Corde à Tournai
Phone : 069/44.53.71

Emergency collective night shelter for adults or emancipated minors (men and women).

Pets are accepted.

Free accommodation.

Hours : from 21.00 to 7.30

Entries between 19.00 and 20.00.

- **Reception centres**

- L'Étape :

17, rue du Sondart à Tournai
Phone : 069/21.45.34

For women or men alone, couples, parent alone with child(-ren) and couples with child(-ren).

- Les Chênes de Mambré

33, Rue Albert à Kain
Phone : 069/22.91.41

Reception centre and support for men alone, women alone, couple, parent alone with child(-ren) and couples with child(-ren).

Community house.

- Maison maternelle L'Espérance

224, Avenue d'Audenarde à Kain
Phone : 069/22.67.34

Shelter and support for mothers and their child(-ren) and future mothers (until 12 years).

FORM 5 VISITING THE ACCOMMODATION

- La Consoude

Ask the CPAS in Tournai :
118, rue de la citadelle
Phone : 069/22.10.24

Shelter and support for brutalised women and their children.

- Les Oliviers

13-15, Rue Blandinoise à Tournai
Phone : 069/23.56.08

Shelter and support for young people from 18 to 25 years.

- **Le Dispositif Urgence Sociale (Social Emergency Help)**

Only by phone : 0477.37.37.97

Monday to Friday from 17.00-8.00, during the week-ends and holidays 24h/24h

FORM 1 SIGNING A LEASE AGREEMENT

- **What is a lease agreement ?**

In Belgium, to rent an accommodation, the owner and the tenant have to sign a lease agreement.

This agreement gives obligations to both of them : the owner commits to giving an accommodation and the tenant commits to paying a rent and to maintaining the accommodation.

A lease agreement is ruled by the law. It says that the owner has to register the agreement by the bureau d'enregistrement des baux (office for the registration of the lease agreements). (in Tournai : rue du Rempart 7, bte 21).

- **What is the duration of the agreement ?**

- Short : maximum 3 years ;
- Long : 9 years, renewable.



Assurance habitation (accommodation insurance) : it serves as a security for the damage that can be done to the bricks, the furniture or a third party (the neighbour,...). It indemnifies in case of fire, flood, natural disaster, storm, hail, glass damage, burglary, vandalism and electric damage. It is compulsory to get an insurance. According to the law, the tenant is responsible for the damage, unless he can prove the contrary.

FORM 2 GARANTIE LOCATIVE (RENTAL DEPOSIT)

- **What is a rental deposit ?**

Also called caution (deposit guarantee), the rental deposit is an amount of money (2 months rent) that can be used to pay the owner at the end of the lease agreement if :

- the tenant damaged the accommodation ;
- the tenant did not pay the rent.

If there is no unpaid rent or damage, the tenant will get the whole amount of money back when he/she leaves the accommodation.

- **3 different ways to gather the rental deposit :**

- you go to the bank to open an account "rental deposit" and put the needed amount of money on this account ;
- you give the money directly to the owner cash or on his bank account. He has to open a frozen account under the tenant's name. It is very important to ask for a receipt signed by the owner (with the date and the mention pour "garantie locative" - for rental deposit). In case of bank transfer, you have to mention in the bank transfer communication that the amount is for the rental deposit.
- you ask the CPAS of Tournai to make a « garantie bancaire locative » (banking rental deposit) for you, via the CPAS social duty period. In Tournai, the CPAS has an agreement with the Belfius bank.



This is a guarantee, not an amount of money.

FORM 2 GARANTIE LOCATIVE (RENTAL DEPOSIT)

- **How does it work ?**
 - A social worker will give you a document that must be filled in by your future owner ;
 - The CPAS committee will deal with your application (they meet every Tuesday) ;
 - If your application is accepted, the incoming inventory of fixtures will be done by a CPAS worker. The tenant cannot sign the lease agreement until the inventory of fixtures has been executed. ;
 - The CPAS and the tenant will decide about a staggering payment from 20 to 50 euros per month to amass the rental deposit.



This rental deposit cannot be used for unpaid rent but only for the potential damage done to the accommodation.

FORM 3 INCOMING INVENTORY OF FIXTURES

- **What is an incoming inventory of fixtures ?**
It is a written and photographic description (use your smartphone). It details the state of the accommodation before the tenant moves in it.

It is :

- **dated and signed by the owner** and the tenant. The tenant must receive a copy and keep it safe ;
- **compulsory and must be registered by the owner** at the same time than the lease agreement. (registration at 7 bte 21, rue du Rempart in Tournai).
- **well detailed** : all the visible defects in every room and equipment must be reported (stains, holes, scratches, burns, splits, scale, ...). This way, the owner has no right to say that you are responsible for this.



- **At the incoming inventory of fixtures, a meter reading must be done** (see form 4 "Settling into an accommodation") ;
- **If there is no incoming inventory of fixtures, the outgoing inventory of fixtures is supposed to be the same than the incoming one and the owner has no right to demand anything.**

FORM 4 WATER, GAS AND ELECTRIC METERS

Family house :

- Gas : 25.000 kWh (Advance : 125 €/month)
- Electricity : 3.500 kWh (Advance : 50 €/month)

Total: 175 €/month

Flat with 1 or 2 bedrooms (more or less 80 m²) :

- Gas : 15.000 kWh (Advance : 75 €/month)
- Electricity : 2.500 kWh (Advance : 40 €/month)

Total: 115 €/month

3. Send the document to the energy supplier :

- If you move into the accommodation : once you have chosen your energy supplier, you must send them the filled in the document.
- If you leave the accommodation : you have to send the moving document to your current supplier to close your account. Your supplier will send you an invoice for your account closure.
Pay close attention to give your new address to your supplier.

4. Fill in the document for the water meter and send it back to the « Société Wallonne des eaux » (Water Society of Wallonia).

There is one unique document for the water meter reading.

Link to download the document : <https://www.swde.be/fr/mediatheque/documentation/formulaires>

FORM 5 CHARGES

• What are the charges ?

It is your **personnal consumption** of water, gas and electricity. There are also **shared charges** (elevator maintenance, electricity in the hall, cleaning of the building, etc.).

• There are two different systems to calculate the charges :

1. **Advanced payment system** : the tenant pays an amount of money (most of the time, every month) **which is an estimated cost for your consumption**. Le décompte annuel (the annual total) will permit to verify if the amount of money is high enough comparing to the real consumption. If not, you will have to pay the missing amount. If it is too high, you will get the difference back.

If the meters are under the owner's name : the advance (the estimated cost) is paid via bank transfer on the owner's account with the communication : "pour charges locatives" (for rent charges). The owner gives you money back at the end of the year if necessary.

If the meters are under the tenant's name : the advance is paid by bank transfer on the supplier's account. They give you money back at the end of the year if necessary.

2. **The flat rate system** : the tenant always pays the same amount of money for the charges, no matter the consumption. The meters are under the owner's name.



The chosen system must appear in the lease agreement.

FORM 6 BUYING CHEAP FURNITURE

- **La Ressourcerie :**

Two addresses :

- 61, Boulevard Eisenhower à Tournai
Phone : 069/44.57.71
Hours :
Monday 13.00 - 18.00
Tuesday, Wednesday, Thursday, Friday
10.00 - 18.00
Saturday 10.00 - 17.00
- 24, Rue de Maire à Froyennes
Phone : 069/77.64.40
Hours :
Tuesday, Wednesday, Thursday, Friday
10.00 - 18.00
Saturday 10.00 - 17.00

- **Entreprise d'économie solidaire du CPAS**

38, chaussée de Lille à Tournai
Phone : 069/88.89.42
Hours : fix an appointment.

- **Facebook group**

<https://www.facebook.com/groups/Donspourtournai/about/>

FORM 1 FINANCIAL HELPS FOR ACCOMMODATION

- **First rent month advance : refundable help by staggered payments.**

How ?

You have to submit a request to the CPAS social department, which will be analysed by the CPAS committee (every Tuesday).

- **A.D.e.L (Move and Rent Allowance) from the Walloon Region :**

For who ?

- For people who left an accommodation (recognized by the Walloon Region) that was declared unhealthy, uninhabitable, overpopulated, inadapted to a disability or considered as a "homeless home" Person who possesses a CPAS's homeless attestation since 3 months or an accommodation center attestation (center for homeless persons, center for refugee's persons,...);
- **AND** who found another accommodation conform with the health and quality standards.

How ?

- Download and fill in the registration form : **type in a search engine « Formulaire ADeL »**
- Within the 6 months after the beginning of the lease agreement.
- Help to download and fill in the form :
DAL (Droit au logement - Right to Housing)
7, rue de Paris à Tournai - 0488/410.003
Or directly to Bureau de la Région wallonne
19, rue de la Wallonie à Tournai
"Information and advice" duty period on Thursday.

FORM 1 FINANCIAL HELPS FOR ACCOMMODATION

- **CPAS integration allowance :**

Allowed only once in your life.
The amount is equal to the RIS “famille” (“family” Social Integration Income):

For who ?

- **Homeless people :** being homeless and having a “homeless certificate” delivered by the CPAS committee.

How ?

- Having the lease agreement and the official document delivered by the local authorities proving the change of address (modèle 2 bis);
- Receiving the referring social worker from the CPAS to check that the person lives in the accommodation.

This allowance is totally independent from the ADeL. So, you can send a request to the CPAS for the integration allowance, and a request to the Walloon Region for the ADeL..

FORM 2 FINANCIAL HELPS FOR ENERGY

- **CPAS energy department :**

For who ?

- People who have problems to pay water or electricity costs and who would like assistance in managing their energy consumption.

The incomes concerned are :

- a social integration income ;
- an aid equivalent to the CPAS ;
- an allowance of unemployment or invalidity or an other income dependent from the social security ;
- an income from guarantee to the elders (GRAPA).

Assistance :

Analysis of the invoices, procedures linked to a move (meter reading, explanation and advice about energy suppliers), **creation of a staggered payment** for unpaid invoices, **advice about energy consumption (budget meters) and help to install it if necessary.** Payment assistance for the energy’s bills via the « Fonds Social gaz et électricité » and the « Droit de tirage ».

Duty periods

Tuesday morning and Thursday afternoon
118, rue de la Citadelle à Tournai

FORM 2 FINANCIAL HELPS FOR ENERGY

- **Tarif social énergie (Social energy price)**

What is it ?

- Lower price for electricity and natural gas for low income people.

How ?

Send a certificate to the energy supplier.

According to your income category, you have to ask the certificate to the:

- CPAS, or ;
- SPF sécurité sociale direction générale des personnes handicapées (Ministry of Social Security Department for disabled people), or ;
- SPF pensions (Ministry of Pensions).

- **Aid premium «Mébar»**

For who ? Persons with lower incomes.

For what ?

To do the renovations for a better use of energy (replacement of window's frame, outside doors, placement of a boiler, attic's isolation, installation of a pellets fire,...)

Amount of the aid premium : 1365€. It could be granted several times to a same household but a 5 years period must be elapsed between the requests.

How ?

Introduce the request to the city's CPAS where the person resides. **Files to download :** <https://energie.wallonie.be/servlet/Repository/formulaire-demande-mebar-ii.pdf?ID=49850>

FORM 3 OWNER'S AND TENANT'S RIGHTS AND DUTIES

- **Owner**

Rights :

- **Free to fix the price**



It cannot be changed during the validity of the lease agreement except if the owner made restoration work that improved the comfort of the accommodation.

- **Free to index the rent**

The owner has the right to index the rent price once a year according to the **inflation (cost of living increase that is calculated according to a rule fixed by the law)**.

- **Free to visit the accommodation**

The owner can foresee one or more visits of the accommodation in the lease agreement to check that it is « normally » maintained. The owner and the tenant fix an appointment together.

Duties

- **The accommodation must fulfil some conditions regarding comfort, security and healthiness fixed by the law.**

- **Carry out work at his own expense**

See Form 4 "Living in an accommodation".

FORM 3 OWNER'S AND TENANT'S RIGHTS AND DUTIES

• Tenant

Rights:

- **Living in a good state, safe and healthy accommodation**



If this right is not respected by the owner, you have to ask for a enquête de salubrité (healthiness investigation) :

- Or to the Région Wallonne via the form: type in a search engine «enquête salubrité»
- Or to the service salubrité de la ville de Tournai (Healthiness department of Tournai): 069/33.23.19
- **Stay in the accommodation in case of conflict**
The owner cannot decide by himself to evict the tenant. A juge de paix (justice of the peace) is the only person that has the right to take this kind of decision.
- **Right to privacy**
The owner cannot enter the accommodation without the tenant's consent.
- **Check that the indexation is correctly calculated**
How to calculate it and when ?
<https://www.droitsquotidiens.be/fr/question/comment-calculer-lindexation-de-mon-loyer>

Duties:

- Pay the rent and the charges on time
- Maintain the accommodation

FORM 3 OWNER'S AND TENANT'S RIGHTS AND DUTIES

The tenant has to maintain “normally” the accommodation and fix the damage he has done (broken windows, holes in the wall, ...).

He also has to maintain the boiler or water heater, unblock the sinks, protect the pipes against the frost, ...



- **Warn the owner in case of problem in the accommodation**
see form 5, “Living in an accommodation”.
- **Warn the owner if he leaves the accommodation (“send an advance notice”)**
Conditions and time to leave an accommodation depends on the type of the lease agreement
> See form 1 “Leaving an accommodation”
- **Not to make transformations or work in the accommodation without the owner's consent.**

FORM 4 WORKS CHARGED TO THE OWNER AND TO THE TENANT

• Owner's responsibility

- Works resultings from **normal wear** (i.e. cover the walls with new wallpaper after 9 years) and **dilapidation** (i.e. buy a new boiler);
- In case of **force majeure** (i.e a burglary).

• Tenant's responsibility

- Maintenance of the accommodation (cleaning, waxing the wooden floor, maintenance of the flowerbeds, the boiler, ...)

The Région Wallonne gives a detailed list of the maintenance and works charged to the tenant, and to the owner : http://lampspw.wallonie.be/dgo4/tinymvc/apps/logement/views/documents/location/bail/A5-6_LES_REPARATIONS_ET_L_ENTRETIEN_DES_LIEUX_LOUES QUI_FAIT_QUOI.pdf

• What to do if the owner needs to carry out works ?

1. Check that the owner is responsible for these works;
2. Warn the owner by post;
3. If he does not answer, ask the juge de paix (justice of the peace) to start a reconciliation.
> see Form 5 "Living in an accommodation".

• Example of letter

See next page.

FORM 4 WORKS CHARGED TO THE OWNER AND TO THE TENANT

Tenant's name and surname
Address
Postcode + city
Phone
E-mail

Owner's name and surname
or his representative's
Address
Postcode - City

Done in , on the dd/mm/yyyy

Subject : Works request charged to the owner

Dear Madam, dear Sir,

I refer to our lease agreement signed on the dd/mm/yyyy about the renting of the accommodation located at complete address.

I inform you that I recently noticed deterioration that needs to be fixed. These repairs are not in charge of the tenant.

Indeed, here is a list of the different deteriorations : explain.

It is my duty to warn you about these deterioration for you to be able to take action as soon as possible and to prevent a worsening of the situation.

It is your duty to carry out « during the validity of the lease agreement, all the needed repairs that are in your charge » (article 1720 of the civil code). As a result, I ask you to make all the necessary repairs, as soon as possible.

Sincerely yours,

Signature

FORM 5 IN CASE OF PROBLEM IN THE ACCOMMODATION

If the tenant has a problem with the accommodation, he has the obligation to report it to the owner in order to try to find an accord à l'amiable (amicable agreement), most of the time by phone or by fixing an appointment.

> see Form 3 "Living in an accommodation".

- If no solution can be found in spite of the phone calls or appointments, **you have to :**
Send a letter (ideally recommandée - registered).
- If your owner does not answer, **you have to :**
Send a registered letter with accusé de réception (acknowledgement of receipt) of mise en demeure (formal notice).

• Formal notice

Last written call asking someone to fulfill his obligation, before legal action.

Write in the letter : "formal notice for..." and end the letter with : "if you do not fulfill your obligation within I will appeal to the justice of peace" to ask for a conciliation (reconciliation).

• Reconciliation

You have to send a letter to the justice of peace of the district where the accommodation is located.

1st district : right bank.

2nd district : left bank.

- **Contact details « Justice de paix » Tournai :**
Address : Boulevard Léopold 72, 7500 Tournai
Phone : 069/22.87.37.

FORM 5 IN CASE OF PROBLEM IN THE ACCOMMODATION

- Example of letter for reconciliation :

(name)	For the attention Mrs/Mr the Justice
(date)	of Peace Juge District
(address)	(address)

Dear Madam/ Sir the Justice of Peace,

May I ask you to call in for reconciliation

(Sir) and (Madam) (Or the society,) located at
.....

The subject of the reconciliation is (explain)

Sincerely yours,

(signature) ...

- Advantages of this procedure :

Free, fast, without administrative costs and possible to do it without a lawyer.

- Inconvenience of this procedure :

The owner is not bound to come to the appointment.

- After the reconciliation, there are two possibilities :

- The parties found an agreement which serves as a judgement and must be respected ;
- The parties did not find an agreement and it is now possible to submit an application to the justice of peace.

FORM 5 IN CASE OF PROBLEM IN THE ACCOMMODATION

- **Instructing a lawyer**

We advise you to instruct a lawyer specialised in accommodation. You can have a list of the specialised lawyers at the barreau de l'Ordre des avocats (Bar of lawyers) of your district (addresses of the Bars <http://www.avocats.be/>).

For people with low income, it is possible to ask for help at the **bureau d'aide juridique (legal aid office) in order to receive information or obtain legal assistance from a lawyer designed by the Bar.**

Bureau d'Aide Juridique (Legal Aid Office)
Place du Palais de Justice, 4
7500 TOURNAI
Téléphone : 069/36.00.08
Phone : 069/36.00.08
(every morning from 8.30 to 12.00).

FORM 6 IN CASE OF CONFLICT WITH THE NEIGHBOURS

It is better to :

- Find a solution directly with the neighbour ;
- If it is not possible, call on the justice of peace, competent court for accommodation problems and neighbourhood disputes.
> see Form 5 "Living in an accommodation".

- **Voluntary mediation**

A mediator will be called on to try to facilitate the dialogue. He will contact the neighbour and will actively help to find a solution.

Mediation departement :

Maison de l'habitat
14, rue des Corriers
Phone : 069/33.24.51

- **Reconciliation procedure**

If the mediation is not successful, it is possible to submit a request to the justice of peace.
> See Form 5 "Living in an accommodation".

FORM 7 DENIED DOMICILIATION

• Legal framework

The law about the population registration (domiciliation) of the 16th of July 1992 says that “no denied domiciliation can take place for security, healthiness, urban planning or land-use planning reason”.

But the law of the 9th of November 2015 (Minister of the Interior, Jan Jambon) says that “the domiciliation will be provisional until the irregularity is solved”. So, from now, the local authorities can register provisorily a person during the time of the irregularity.

If the local authorities refuse to **register officially a person, a contestation of the decision is possible within the next 30 days.**

• Contestation of the local authorities decision

1. Ask for the official written decision at the local authorities (le modèle 9).
2. Write to the Ministry of the Interior mentioning :
 - all the useful informations (and documents), so the Minister can form his own opinion of the situation ;
 - he personal identifying data : sirname, names, birthdate, last residence address, national registration number ;
 - the date and your signature.

FORM 7 DENIED DOMICILIATION

Ministry of the Interior

Direction générale Institutions et Population
Parc Atrium

Rue des Colonies, 11

1000 BRUXELLES

02/518.21.40

CallCenterRRN@rrn.fgov.be

- The request will be treated by the Ministry of the Interior who will send a delegate to check the situation.

The local authorities have to provide the inspection report they have realised and the facts that enable the decision. After analysis of these elements, the delegate will confirm the decision or not
A registered letter will be sent to the claimant.

- Appeal against the decision.

If the decision is not the expected one, you have 15 days to appeal.

FORM 1 CANCELLATION OF THE LEASE AGREEMENT

- **What is the cancellation of the lease agreement ?**

Interruption of the agreement before the scheduled date, in the form of a recorded letter called préavis (advance notice).

The **advance notice** starts the 1st day of the month that follows the month when the notice has been sent. Example : the notice was sent during the month of June, it starts on the 1st of July.

- **Cancellation by the tenant**

For a 9 years agreement

The agreement can be cancelled at anytime, for which :

- an advance notice of 3 months ;
- the payment of a compensation equal to :
 - 3 months rent if he leaves during the first year of renting ;
 - 2 months rent if he leaves during the 2nd year of renting ;
 - 1 month rent if he leaves during the 3rd year of renting ;
 - no compensation from the 4th year of renting.

For a short-term agreement

For the agreements signed before the 1st of September 2018: The agreement **cannot be cancelled** unless it is foreseen in the contract or unless the owner and the tenant find solution by common consent (that must be written).

FORM 1 CANCELLATION OF THE LEASE AGREEMENT

For the agreements signed or renewed after the 1st of September 2018 :

The agreement can be cancelled at anytime, for which :

- an advance notice of 3 months ;
- the payment of a compensation equal to 3 months rent ;



To leave the accommodation before the end of the short-term agreement, the tenant must :

- send an advance notice 3 month before the end of the agreement.

Example : the agreement takes end on the 1st of August. A notice must be sent before the 31st of May.

- **Cancellation by the owner**

For a 9 years agreement

The agreement can be cancelled :

- **For personal use or for relatives, for which :**
 - an advance notice of 6 months ;
 - at anytime.
- **For renovation, for which :**
 - being at the end of a three-year period (3rd, 6th, ... year of the agreement).
- **For no reason, for which :**
 - being at the end of a three-year period (3rd, 6th, ... year of the agreement) ;
 - the payment of a compensation equal to 9 months rent at the end of the 1st three-year period and equal to 6 months at the end of the 2nd three-year period (6 years).

FORM 1 CANCELLATION OF THE LEASE AGREEMENT

For a short-term agreement

For the agreements signed before the 1st of September 2018:

The agreement **cannot be cancelled**, unless it is foreseen in the contract or unless the owner and the tenant find solution by common consent (that must be written).

For the agreements signed or renewed after the 1st of September 2018:

The agreement **can be cancelled** after the 1st year of renting and only for personal use (or for a first degree relative), for which :

- an **advance notice of 3 months** ;
- the payment of a compensation equal to 1 months rent ;



At the end of the short-term agreement, if the owner wants the tenant to leave th accommodation, he must :

- send an advance notice of 3 months before the end of the agreement.

Example : the agreements takes end at the 31st of August. A notice must be sent before the 31st of May.



If the tenant who moves is a beneficiary of ADeL, he must inform the ADeL service during the first 3 months of the renting of the new accommodation at the following address :
SPW/Département du Logement/service ADeL – 1, Rue des Brigades d'Irlande 1 à 5100 Jambes.

FORM 2 OUTGOING INVENTORY OF FIXTURES AND REFUND OF THE RENTAL DEPOSIT

• Outgoing inventory of fixtures

By comparing it to the incoming inventory of fixtures, it is possible to know if damage has been caused during the lease agreement period. If it is the case, the costs of the repairs can be paid by the amount (or a part of) the rental deposit.



The tenant is not responsible for a list of damage > see form 4 "Living in an accommodation".

The meter reading must be done during the outgoing inventory of fixtures. You must send the moving document to your energy supplier to close your account. Your supplier will send you an invoice for your account closure. Pay close attention to give your new address to your supplier > See form 4 "Settling into an accommodation".
Link to download the document :
https://www.sibelga.be/uploads/assets/316/fr/1366189083309-Formulaire_de_reprise_des_energies.pdf

The outgoing inventory of fixtures, dated and signed by the tenant and the owner allows :

- the vacation of the accommodation ;
- to surrender keys ;
- the refund of the rental deposit.

• The refund of the rental deposit

According to the outgoing inventory of fixtures, the

FORM 2 OUTGOING INVENTORY OF FIXTURES AND REFUND OF THE RENTAL DEPOSIT

rental deposit is :

- totally refunded ;
- shared between the owner and the tenant (a little bit of damage and an estimation of them) ;
- totally kept by the owner (according to the estimation of the damage).



It is important to sign the document for the refunding of the rental deposit at the end of the outgoing inventory of fixtures.

Here is an example :

Entre : Owner's name Address Postcode City The owner,	Tenant's name Address Postcode City The tenant,
hereinafter named the Parties. Agree the following :	
Subject : refunding of the rental deposit	
We refer to the lease agreement for the accommodation located at Complete address, signed on the dd/mm/yyyy, started on the dd/mm/yyyy and ended on the dd/mm/yyyy.	
A rental deposit for an amount of ... euros has been given by the Tenant at the beginning of the agreement, in the following form [write precisely the form of the rental deposit : on a personal bank account, on the owner's bank account or cash, or rental deposit from the CPAS]	
According to the inventory of fixtures done on the dd/mm/yyyy and the lease agreement, the Parties agree that the rental deposit must be refunded according the following :	
<ul style="list-style-type: none"> • Refunding to the advantage of the owner : ... euros • Refunding to the advantage of the tenant : ... euros 	
La libération ou la levée de la garantie n'emporte pas décharge des éventuels soldes de charges à devoir, à l'exception de ceux liquidés à la fin du bail.	
Owner's signature or his representative	Done in _____, on the dd/mm/yyyy Tenant's signature

FORM 1 HELPING SERVICES

- **CPAS**
 - **Service social (Social department)**
Monday to Friday, **EXCEPT** on Tuesday afternoon | Phone : 069/88.45.60
 - **Service énergie (Energy department) to help you to read the invoices (see Form 2 "Living in an accommodation" : financial helps for energy).**
Tuesday morning and Thursday afternoon
Phone : 069/88.45.66
118, Rue de la Citadelle à Tournai.
- **Helpcentre for foreigners integration**
 - **Duty period of initial reception for all kind of problems ;
Friday 9.30 - 11.00 at
the maison internationale (international house)**
11, Quai des salines à Tournai
Phone : 069/84.01.31
- **Bureaux de la région wallonne (Walloon Region office)**
 - **Accommodation Advice department :**
for Allocation de Déménagement Et de Loyer (ADeL - move and rent allowance). Thursday 9.30 - 12.00 and et 13.00 - 15.00, no appointment necessary. 19-21, Rue de Wallonie à Tournai.
Phone : 081/33.23.10.
 - **Social credit from the Walloon Region :**
Credissimo Hainaut
85, rue Royale, 85 à Tournai
Phone : 069/22.29.65
info@credissimohainaut.be



The data you will find in this guide has been collected in **March 2019**.

Le DAL a pour mission :

- Accompagner dans la recherche, l'installation et le maintien en logement;
- Informer sur les droits et devoirs du locataire et du propriétaire ;
- Soutenir et développer des projets d'habitats alternatifs.

CONTACT

7, rue de Paris à Tournai

0488/41 00 03

069 / 30 44 29

www.daltournai.be



s'investir dans
le bien-être
et la prospérité