

# Joint tenants

**This factsheet looks at your rights and responsibilities if you are a joint tenant.**

## Are you a joint tenant?

If you and anyone you live with signed a single tenancy agreement when you moved in, you have a joint tenancy. If you and anyone you live with signed separate tenancy agreements, you are likely to have separate tenancies.

## Use of the property

You and your joint tenant(s) have the same rights as each other. Joint tenants are equally entitled to use the whole property.

If you have an agreement between yourselves, for example about which bedroom to occupy, it is a voluntary agreement and not legally binding. A sole tenant of a room in a shared house has a legal agreement to occupy that room.

## Rent

Joint tenants are equally responsible for paying the whole rent. Your landlord can take any of the joint tenants to court for the whole rent if any one of you doesn't pay.

If one joint tenant leaves, you can try to:

- make up the full rent yourself or among yourselves
- rent out any vacant room – but only if your tenancy agreement or your landlord allows it
- find a new tenant and agree a new joint tenancy with the landlord
- negotiate a new agreement and lower rent with the landlord.

## How you can end your tenancy early

If you have a fixed-term tenancy (eg for six or 12 months) you can only end the tenancy before the fixed term runs out in certain cases.

You can end your tenancy early if you, your joint tenants, and your landlord all agree that the tenancy can end early. This is called a 'surrender'.

You can end your tenancy early if you have a 'break clause' in your tenancy agreement, which lets you give notice to end the tenancy early. You will normally need the other joint tenants to agree to this.

## Notice to quit

If you do not have a fixed-term tenancy, or if it has expired, you can end the tenancy

without the agreement of your joint tenants by giving your landlord a valid notice to quit. A notice to quit will end the right of any other tenant to stay in the property.

To be valid, a notice to quit must:

- be in writing
- give at least 28 days notice, or a month if you have a monthly tenancy
- expire on the first or last day of a period of the tenancy

Your tenancy agreement might say you need to give a longer notice, or state the day on which it must expire. Check what has been written down and get advice if you aren't sure how to give notice.

## Relationship breakdown

If a joint tenant wants to end your tenancy without your agreement by giving notice to quit, you can ask the court for an injunction to prevent them. You could ask your landlord to grant you a new tenancy in your sole name if a notice to quit has already been given. Get advice if you are a joint tenant and your relationship has broken down.

## Tenancy deposit

Normally the tenancy deposit will be one payment for the whole of the joint tenancy – even if you and the other joint tenant(s) have paid separate shares.

Your landlord can deduct an amount from the total deposit if, for example, one joint tenant doesn't pay their share of the rent, or if they damage the property.

You will have to decide with the other joint tenants how to divide up the amount of deposit that is returned when you leave.

Private landlords must protect your deposit in a government approved scheme. The scheme will deal with disputes about returning a deposit.

## Further advice

You can get further advice from [england.shelter.org.uk/housing\\_advice](http://england.shelter.org.uk/housing_advice), local Shelter advice service or local Citizens Advice. If you have nowhere to sleep tonight, are at risk of harm or losing your home within the next 2 months, call Shelter Helpline on 0808 800 4444 for advice and information on your options.\*

\*Calls are free from UK landlines and main mobile networks.



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## Note

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