

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 with the landlord when you moved in, you will have a joint tenancy. On the other hand, if you and anyone you live with signed separate agreements with the landlord, you are likely to have separate tenancies.

Use of the property

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

Any agreement you have among yourselves, about which bedroom to occupy, for example, is a voluntary agreement and not legally binding. In contrast, a sole tenant of a room in a shared house has a binding agreement to occupy that particular room.

Rent

Joint tenants are equally responsible for paying the whole rent. Your landlord can take any one or more 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.

Tenancy deposit

Normally the tenancy deposit will be a single amount 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 tenant(s) 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.

How you can end your tenancy

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 if:

- you, your joint tenant(s) and your landlord *all* agree that the tenancy can end early. This is called a 'surrender'.
- you have a 'break clause' in your tenancy agreement, which lets you give notice to end the tenancy early. You will need the agreement of the other joint tenant(s) to do this unless your tenancy expressly says otherwise (this is rare).

Notice to quit

If you do not have a fixed-term tenancy, or if it has expired, you can end the tenancy with or without the agreement of any joint tenant by giving your landlord a valid notice to quit. Be aware that this could 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. It could be longer – check what your tenancy agreement says
- expire on the first or last day of a period of the tenancy (unless your tenancy agreement says otherwise). Tenancies that are not fixed term run from period to period, eg week to week. Sometimes it can be difficult to be sure what is the first day of a period of the tenancy.

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. Or 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.

Further advice

You can get further advice from 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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