

A guide to joint tenancies

What is a joint tenancy?

A joint tenancy is where two or more people are named on and sign the same tenancy agreement. This can be a couple, friends who want to live together or sharers (such as students).

Signing a joint tenancy, you will become 'jointly and severally liable for all parts of the agreement'; this means that the landlord can hold you responsible if one of the other tenants doesn't pay their share of the rent or causes damage to the property.

What are the pros?

- Sharing rent and bills keeps the costs down
- You have the security and rights of being a tenant
- If you are named on a tenancy agreement and need help with your share of the rent, you might be entitled to apply for help with housing costs

What are the cons?

- The landlord can ask you to pay the full rent if the other tenants do not
- You can be held responsible for damage caused by the other tenants
- You cannot simply leave the tenancy if you fall out with the other tenants

What should I consider before signing a joint tenancy?

The main consideration is that you understand that you will be jointly and severally liable for all parts of the tenancy so you must be sure you trust, and want to live with, the person or people who you are signing the tenancy with.

I want to leave the joint tenancy, what can I do?

You can ask the landlord if they are willing to let you surrender the tenancy, however they are under no obligations to agree to this.

If you are a joint tenant with a partner and want to leave following a relationship breakdown the landlord might be happy to end the tenancy and start a new agreement with the remaining tenant. You should agree this with both the landlord and your ex-partner.

If you are a joint tenant with friends, the landlord might ask you to find a replacement tenant before agreeing to end your tenancy. You should also make the other tenants aware as if you do leave the property this will affect them.

In some cases, the landlord may agree to allow to the surrender of tenancy but ask for conditions such as paying rent until a new tenant is found.

What penalties would I face if I just leave?

- The landlord can still hold you liable for rent up to the end of the tenancy
- You will probably lose your deposit
- If you provided a guarantor, the landlord may ask them to pay the full rent
- You might not get a good reference

Domestic abuse

If you need to leave a tenancy because you are experiencing domestic abuse you should:

- Find safe emergency housing/ refuge
- Get an injunction to exclude the perpetrator, or to get access to your home
- Get advice about housing, either returning home or ending the tenancy