

A GUIDE

to Joint Tenancies



We use the term 'resident' to describe anyone living in one of our homes or receiving one of our services. This includes tenants, leaseholders, shared owners and those people living in supported or sheltered accommodation.

Joint Tenancies

This leaflet explains what a joint tenancy involves. You should read it before you decide whether to apply for one. If you have any questions, we will be pleased to discuss them with you.

What is a Joint Tenancy?

A joint tenancy may be offered to a married or other established couple (opposite or same sex) or close family members who can demonstrate a long-term commitment to the home. Joint residents are jointly and individually liable for the obligations of the tenancy agreement for example, they are both liable for paying the whole rent. Therefore, if one resident leaves, the other can be pursued for any arrears owing. A breach of tenancy by one is the responsibility of both the tenant. Ending of the tenancy by one ends the tenancy for all the tenants.

A tenancy is a legally binding contract. It is therefore important that all residents who enter into the contract understand the terms and conditions. These terms and conditions are contained in Cosmopolitan's Tenancy Agreements. As an existing resident, you will already be familiar with your Tenancy Agreement. However, people who you wish to create a joint tenancy with should also familiarise themselves with these terms and conditions before they apply.

There must be trust and co-operation between tenants if the tenancy is to work.

Prospective Residents

If you are not yet a Cosmopolitan resident and wish to have a joint tenancy with another person, you should submit a joint housing application.

We will then consider your application for a joint tenancy. As both residents are jointly responsible for the tenancy and rent payments on the property as a whole, you need to be able to trust each other fully.

Creating a Joint Tenancy

There is no obligation to grant a joint tenancy and agreement to do so is entirely at our discretion. We will consider creating a joint tenancy where:

- A sole resident who marries (this includes civil partnerships) and can provide a copy of their marriage certificate or civil partnership certificate
- A resident has formed a long-term relationship with a co habiting partner (opposite or same sex) who has been living at the address for a minimum of 12 months
- A resident wishes their friends/siblings to join the tenancy who have been living at the property for a minimum of 12 months.

Any resident who requests that their co habiting partner be included on their tenancy agreement will have their request registered, which will then be considered by us after a period of at least one year.

Such requests may be refused for the following reasons;

- Rent arrears
- Breach of tenancy such as Anti-Social Behaviour
- If there is a current Notice of Seeking Possession or outstanding Possession Order
- History of a relationship breakdown
- One or both of the parties have not lived in the premises for at least one year
- The proposed joint resident is not a spouse or co habite

- If creating a joint tenancy will cause overcrowding in the property
- If the property is classed as suitable for elderly persons only and the person(s) you wish to create a tenancy with does not meet the relevant criteria
- If the person you wish to create a joint tenancy with is not a U.K resident and does not meet the habitual residence test requirements.

For the creation of a joint tenancy to be legally effective, the sole tenant must agree, in writing, to give up their existing tenancy by giving us 4 weeks notice to quit. Upon expiry of the 4 weeks notice, we can create a new tenancy. However creating any new tenancy is subject to the written consent of Cosmopolitan.

Succession rights

If one joint resident dies, then their share in the tenancy automatically passes to the remaining resident(s) and the tenancy continues. This means there is no need to create a new tenancy.

Important note

Where you have been a joint resident and you become a sole resident, you are treated as a successor under your tenancy. This means that nobody else would be able to succeed to your tenancy on your death. This is because you have only one right of succession under your tenancy.

How can I end a joint tenancy?

There are only 5 ways in which a joint tenancy can be ended or changed into the sole name of one tenant they are;

- By a Notice To Quit and/or Possession Order granted to us in the courts on one of the grounds laid down in the Housing Act 1985 or Housing Act 1988 (as amended by the Housing Act 1996)

- By legal assignment from one of the joint tenants to the other
- By Notice to Quit by one or both tenants which will completely end the tenancy
- By a Property Adjustment Order made during divorce or separation or guardianship proceedings
- On death by succession right.

What if our relationship breaks down?

If your relationship breaks down for any reason, and either party gives a notice to quit, this automatically ends the whole tenancy (as stated in your tenancy agreement). This is the case even though the other joint resident(s) may not be aware that it has happened. In other words one joint resident can make the other homeless. When a relationship breaks down there is little that we as a landlord can do. We can give basic advice and information on the legal protection available to safeguard the interests of children and deal with violence or harassment but residents should pursue these matters with the aid of professional legal advice. Residents should also note that alternative housing for one partner or another is not automatic under our lettings policy.

Domestic Violence

A person suffering, or in fear of violence, may seek an injunction against a partner in the Courts. Different Acts apply depending on all the circumstances of the case.

One example is the Domestic Violence and Matrimonial Proceedings Act, which may be used by both married couples and joint tenants living together as man and wife. Under this Act, an order can be made granting protection from violence/harassment and/or regulating who should occupy the home.

Protecting Children

In divorce, separation or custody proceedings, the Courts have the power to order that a tenancy be transferred to one parent alone so as to safeguard the interests of any children.

Can I transfer my Joint tenancy to the other joint tenant?

If your tenancy conditions allow it, we may be able to make one of you a sole tenant by legally transferring the tenancy from both of you to one of you as long as you both agree who is to remain at the property. Both of you must write to us to confirm you agree about the transfer and who is to take on the tenancy.

The person who takes over the whole tenancy would then be solely responsible for any rent arrears. (The joint tenants can if they wish arrange between themselves to pay the arrears).

What if we can't agree on who should have the tenancy?

We cannot transfer a joint tenancy to a single tenancy if only one party wishes to do so, or both tenants want the sole tenancy. Both parties must be in agreement.

What if one resident abandons the joint tenancy?

If one member of a joint tenancy leaves the property without any intention to return, the remaining resident must contact us. We will then try to contact the outgoing tenant to find out whether they intend to return or give up their tenancy (or legally transfer it to the remaining resident). We will usually send a letter.

If, after 6 months we have not received a response, we will assume that the outgoing person has no intention to return. We would then usually ask you, the remaining resident, to serve 4 weeks notice to quit, and after that, we may grant you a new tenancy. Any rent arrears would be transferred to the new tenancy.

Will my Housing Benefit entitlement be affected?

If you are applying for a joint tenancy with someone other than your partner, you will only be entitled to Housing Benefit on your share of the rent. In these circumstances, each joint tenant who wishes to apply for Housing Benefit will need to complete their own individual application form.

Partners who are not recognised as couples under Housing Benefit regulations will be affected in the same way.





If you wish to have this document translated into your chosen language, please tick the relevant box below and return to Cosmopolitan Housing Association, Cosmopolitan House, 2 Marybone, Liverpool, L3 2BY.

This document is available in large print, Braille and audio tape on request.

<p>إذا لڊك الرغبة فى الحصول على هذه الوثيقة مترجمة الى اللغة التى تختارها، أرجو ان تضع علامة على الصندوق وترجعه الى هيئة إسكان كوسموبولتان. Cosmopolitan Housing Association, Cosmopolitan House, 2 Marybone, Liverpool, L3 2BY.</p> <p><input type="checkbox"/></p> <p>(Arabic)</p>
<p>如果您想把这份文件翻译成中文，请在空格内划✓，然后把传单寄回：Cosmopolitan Housing Association, Cosmopolitan House, 2 Marybone, Liverpool, L3 2BY</p> <p><input type="checkbox"/></p> <p>(Chinese – Simplified)</p>
<p>如果您想把這份文件翻譯成中文，請在空格內劃✓，然後把傳單寄回：Cosmopolitan Housing Association, Cosmopolitan House, 2 Marybone, Liverpool, L3 2BY</p> <p><input type="checkbox"/></p> <p>(Chinese – Traditional)</p>
<p>ئەگەر هەز دەتەیت ئەم دۆکیومێنتەت بۆ سەر زماى خۆت بۆ وەرگیردەیت ئەوا تکایە نیشانەى ✓ لە چوارگۆشە بده و بێگرتنەوه بۆ (کۆمەڵەى کوسمۆپۆلیتان بۆ خانووبەره) بۆ ئەم ناوێشانە: Cosmopolitan Housing Association, Cosmopolitan House, 2 Marybone, Liverpool, L3 2BY</p> <p><input type="checkbox"/></p> <p>(Kurdish)</p>
<p>Jeśli chciałby Państwo otrzymać tłumaczenie tego dokumentu w wybranym języku, prosimy odhaczyć okienko i odesłać do: Cosmopolitan Housing Association, Cosmopolitan House, 2 Marybone, Liverpool, L3 2BY.</p> <p><input type="checkbox"/></p> <p>(Polish)</p>
<p>Haddii aad jeclaan laheyd in documentigan luqad aad dooratay lagu soo turjumo, fadlan sax sanduuqa oo u soo celi hey'adda guriyeynta ah ee Cosmopolitan Housing Association, Cosmopolitan House, 2 Marybone, Liverpool, L3 2BY.</p> <p><input type="checkbox"/></p> <p>(Somali)</p>
<p>Bu belgenin seçtiğiniz dile tercüme edilmesini arzu ediyorsanız, lütfen kutuyu işaretleyin ve Cosmopolitan Housing Association, Cosmopolitan House, 2 Marybone, Liverpool, L3 2BY adresine geri gönderin.</p> <p><input type="checkbox"/></p> <p>(Turkish)</p>

Please be aware that Cosmopolitan Housing Association may record any incoming or outgoing telephone calls as part of our commitment to providing excellent customer service.



Cosmopolitan House, 2 Marybone, Liverpool L3 2BY,
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Cosmopolitan Housing Association is a Charitable Industrial and Provident Society.

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