

Housing Services

Guidance for Tenants

Tenancy changes - removing a name from a joint tenancy



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Introduction

If a joint tenant permanently leaves a property and does not have their name removed from the tenancy, they will continue to have all of the rights and responsibilities of the tenancy including paying the rent and other breaches of tenancy conditions.

As long as one joint tenant lives in the property, pays the rent and abides by the tenancy agreement, the tenancy is secure and will continue.

How to amend the names on a tenancy

There are two ways in which you can remove a person's name from a tenancy, by assignment and by court order.

Assignment

The Council is not obliged to amend the names on a tenancy unless there is a court order, however if a tenant has requested to remove a name from a tenancy which is currently in joint names, this will be allowed if both tenants are in agreement and with the permission of the Council. We will help you with this process.

An assignment will be completed which both tenants must sign at your local Council office. An assignment is a legal document which transfers the tenancy from one tenant to another.

In order to complete an assignment the following criteria must be met:

- The tenancy must be a Secure Tenancy
- The rent account must be clear
- There must be no valid legal notices or court orders against the address
- An inspection of the property must be carried out and any rechargeable works completed

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You will need to put your request in writing which must be agreed and signed by both tenants.

You will not be able to seek alternative Council accommodation whilst you remain named as a joint tenant on another tenancy.

Whilst a tenancy is held in joint names, the Council cannot change the locks on the property to prevent either tenant accessing the address.

Court Order

Where both joint tenants cannot agree who will take over the tenancy, either tenant can apply to the courts for a decision.

Where spouses or civil partners cannot agree about what should happen to the tenancy at the end of a relationship, the courts can decide on their behalf. The courts can transfer a tenancy in conjunction with divorce proceedings.

The Council will receive notification by the courts if an application for a tenancy transfer is received, and the courts will take into account any objections the Council has. The courts can still transfer a tenancy even if the Council objects.

Cohabitees may also apply to the courts to secure or establish their occupation rights following a relationship breakdown.

It is always advisable to seek independent legal advice.

Contact us

If you would like further information or advice, please contact Customer Services by telephoning 01473 825757 and ask to speak to a Housing Officer.

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If you have any queries or require more information, please contact

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