

TENANCY & ESTATES POLICY SUMMARY

JOINT TENANCIES

NEW TENANCIES:

Joint tenancies help ensure each person has the same rights and responsibilities in a tenancy. This is why guidance suggests that landlords should give a joint tenancy for all new tenancies, unless there is reasonable grounds for not doing so. Every new tenancy will be assessed on its merits, and decisions made on a case by case basis.

SOLE TO JOINT TENANCY:

To create a joint tenancy from a sole, a Joint Tenancy Application Form needs to be completed. You can get one of these at one of the District Offices or at Dundee House. A member of staff can help you complete the form.

There is now a residency requirement for this type of application, where previously there wasn't one. Anyone who wants to become a joint tenant, needs to pass a two point test first, so they need to have been:

- Living at the address for the previous **12 months; and**
- Notify us as the landlord when they started living there.

NB: The qualifying period only begins when the person has been added to the household details. There is other grounds for refusal, you can discuss these with the Tenancy & Estates Team on 01382 307305.

JOINT TO SOLE TENANCY:

While this is a change to the tenancy, it follows a different process as the landlord cannot refuse, so no checks are needed. For good working practice, we do have a procedure for this. A joint tenant can, at any time, look to end their part of the tenancy by giving 4 weeks notice in writing.

If a joint tenant terminates their part of the tenancy, and the tenancy is in rent arrears, this will generate a visit from the local Tenancy Officer. The visit is to explain about the termination of part of the tenancy, and to explain to the remaining sole tenant, that they will be left solely liable for the outstanding arrears. When there is no rent arrears, a letter will be sent to the remaining sole tenant to advise of the change in circumstances.

Different rules apply for Sheltered Housing and housing which has been designed or substantially adapted for those with special needs. Our staff can give you more details and advice.

When we make a decision about your application, we will write to you within 28 days. If you do not qualify to have the tenancy assigned to you, we will write to you to tell you why. You can appeal our decision, and we will supply you with details at the time about how to do this.

When a Joint Tenancy application is approved, we will call or write to you to advise this. We will also offer to come out and get the new Tenancy Agreement signed, although you can have an office signing if you want.

If you need general advice or guidance, please contact us to discuss. You can also contact a solicitor or an independent advice agency such as the Citizens Advice Bureau.