

Housing Services

Guidance for Tenants

Removing a name from a joint tenancy (Joint to Sole)



Tenancy Management

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.

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

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.

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

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

An assignment is a legal document which transfers the tenancy from one tenant to another.

If a joint tenant permanently leaves a property and wishes to remove their name from either an Introductory or Secure Periodic Tenancy, this can be completed by way of assignment with Babergh & Mid Suffolk District Council's permission provided both tenants are in agreement, and subject to certain criteria being met.

To complete an assignment the following criteria must be met:

- The rent account must be clear
- There are no other outstanding charges for either tenants such as court fees or recharges
- There are no notices or court orders against the address
- There are no breaches of tenancy

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To apply to remove a name from a joint tenancy, you will need to complete an application form and provide supporting documentation. The application form is available on our website, or you can request a paper application copy to be sent to you.

Court Order

Where both tenants are not in agreement for the change to take place, either tenant can apply to the courts to decide. The courts can make an order to transfer the tenancy which the Councils must action.

Where spouses, partners 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.

Either joint tenant or cohabitants can also apply to the courts to secure or establish their occupation rights at the address following a relationship breakdown (this however does not change the names on the 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.

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 0300 123 4000 (Option 3). Ask to speak to the Tenancy Management Team.

Tenancy Management

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

**Housing Services Section
Babergh and Mid Suffolk District Councils**

Endeavour House
8 Russell Road
Ipswich IP1 2BX
Tel: 0300 123 4000 (and select Option 3)