

Information relating to Joint to Sole Tenancies

1. Information For Tenants

If there is a relationship break down you may no longer wish to remain as a Joint Tenant and want to end the joint tenancy. If the relationship breakdown is amicable and an agreement is reached, about who will leave the property; please inform your Tenancy Management Officer immediately. You will need to provide Notice to End your Joint Tenancy.

The person who is left in the property may not automatically be given the sole tenancy to that property. This will be Cheltenham Borough Homes' decision and we will need to carry out a thorough investigation and a home visit to check the following:

1. The property will not be under-occupied.
2. The property will not be over-crowded.
3. The property is their sole or principal home (for preceding 12 months)
4. Check that there are no court orders or notice of seeking possession for anti-social behaviour or rent arrears.
5. That the property is in good internal decorative order and ensure there are no substantial rechargeable repairs required otherwise than due to fair wear and tear.
6. That the joint tenant has provided Notice to Quit (NTQ) in the correct format
7. If the property is adapted for the needs of the individual (this is not a guarantee the property will allow the person to remain, the other factors will need to be considered)
8. We will also check any children residing fully at the property as their main home.

NB. If you cannot agree who will leave, there is the option of applying to the Courts for a Residency or Occupation Order, this can be used if there is a dispute over who will remain in the property or your one partner refuses to leave. You must seek independent advice on this matter.

Please note: If you intend to apply for a Residency or Occupation order, you will need a letter from your local housing team for permission to have the sole tenancy. CBH will only give confirmation of the decision once we have investigated points 1- 8 as listed above.

You should seek independent legal advice from the CAB or a solicitor in relation to this. There will be a small cost involved in applying to the county courts for this application.

2. Notification required when one person is to leave a joint tenancy

You need to complete the enclosed Notice to quit form. This is due to either you or the other joint tenant leaving the property. (NB: this is different to both tenants giving CBH notice to terminate the tenancy when you both leave a property at the same time).

You are required to provide a full 4 week notice period (tenancy ending on a Sunday) to bring the tenancy to an end. It is important this form is completed correctly with all the information required.

This notice to quit will end the joint tenancy for both of you.

***Please Note the following important information:**

- If you apply for rehousing and are still part of a joint tenancy with CBH, you cannot hold two tenancies; this would be considered as tenancy fraud.
- If you remain on the tenancy and any recharges or rent arrears are incurred you will remain jointly liable for the duration of the tenancy.

It is important that you seek independent housing advice, if you are unsure about completing the form or wish to discuss your options.

You can obtain independent advice or support from the following agencies:

- Citizens Advice Bureau, 3 St George's Place, Cheltenham GL50 3LA. Phone: 01452 527202
- County Community Projects, 303 – 305 High Street, Cheltenham. Phone: 01242 22899

If you are going to be homeless as a result, you may wish to seek further advice from;

- Housing Options Team at Cheltenham Municipal Offices, Promenade, Cheltenham
Phone: 0800 408 0000

3. Written Response From Cheltenham Borough Homes

Once the Notice to Quit has been completed signed and dated by you, you must return it to CBH Area Housing Office. If you need to speak to CBH further this can be made in the following methods;

- Freephone: 0800 408 0000
- In Person @: *Hesters Way Resource Centre*, Cassin Drive, Cheltenham GL51 7SU or
- *Oakley Community Resource Centre* 113a Clyde Crescent, Cheltenham, GL52 5QL
- By e-mail: tenancymanagement@cbh.org

Notice to Quit

To: Cheltenham Borough Homes Limited (CBH) of Cheltenham House Clarence Street
Cheltenham Glos GL50 3JR

I (insert name) hereby give four weeks' notice to terminate my tenancy of (insert address)thereby bringing the joint tenancy that I hold with (Insert Joint Tenants name)..... to an end.

I will deliver up possession on OR on the day on which a complete period of the tenancy expires next after the end of four weeks from the service of this notice.

I will return the keys on or before noon on Monday.....

I understand that if I hand in my keys early, the four weeks contractual notice will still apply.

My new address will be:.....

I will ensure that all personal effects and furniture are removed from the property and that the property is left in a good, clean condition. Once the keys are returned to CBH, any items left in the property can be disposed of, and I understand I will be re-charged for the cost of the clearance and disposal.

I am satisfied and understand that the joint tenancy will be ended.

Print Name.....

Address:

Dated:

Signed:

I understand that Cheltenham Borough Homes will have to formally notify the other joint tenant of this Notice and that this Notice could lead to possession proceedings being taken against the other joint tenant.

INFORMATION TO TENANTS

1. If the tenant or licensee does not leave the dwelling, the landlord or licensor must get an order for possession from the Court before the tenant or licensee can lawfully be evicted. The landlord or licensor cannot apply for such an order before the notice to quit or notice to determine has run out.
2. A tenant or licensee who does not know if he has any right to remain in possession after a notice to quit or a note to determine runs out can obtain advice from a solicitor. Help with all or part of the cost of legal advice and assistance may be available under the Legal Aid Scheme. He should also be able to obtain information from a Citizens' Advice Bureau, a Housing Aid Centre or a Rent Officer.