

# Application to create a Joint Tenancy



Please fill in this form if you:

- are currently a sole tenant of South Holland District Council, and
- want to apply for a joint tenancy at your address

We will consider joint tenancy applications from the following people:

- The tenant's spouse or civil partner, providing they occupy the property as their only or principal home and can provide a copy of their marriage or civil partnership certificate.
- The tenant's partner, providing they occupy the property as their only or principal home and can provide evidence that they have been living with the tenant for the last 12 months.

As part of this application, we will consider the following:

- previous succession to the tenancy or an assignment to a potential successor
- rent arrears;
- legal action taken against the property including but not limited a notice seeking possession has been served, an injunction is in force, a possession claim has been issued; a suspended possession order is in force;
- overcrowding or under occupation of the property;
- immigration status of the tenant
- enforcement action previously taken against the proposed joint tenancy, anti-social or criminal conduct.

This list is not exhaustive.

Entering into a joint tenancy brings significant legal responsibilities. We recommend that you get independent legal advice.

## Completing this form

This form must be completed and signed by the current tenant and the proposed joint tenant.

The information you give in this form allows us to assess the eligibility of the person that you are requesting to be considered for inclusion in a joint tenancy. It is important that you answer all the questions and provide copies of the documents requested.

When you have completed, signed and dated your form, please send it with the required proofs to South Holland District Council, Council Offices, Priory Road, Spalding, PE11 2XE.

## Confidentiality

The information you provide is confidential and subject to the requirements of the General Data Protection Act 2018. For further information on our privacy notice, please visit [www.sholland.gov.uk](http://www.sholland.gov.uk)

## Housing fraud

It is a criminal offence to knowingly provide a false statement or withhold information to assist you in obtaining accommodation from South Holland District Council, a housing association or private housing provider (nominated by us). We will take legal action against anyone found committing an offence and may also seek possession of any property obtained.



# Joint tenancy application request



Section 1-3 to be completed by existing tenant.

## Section 1 – Your tenancy details

Full Address of the property (including postcode)	
Full name of all tenants at this property	
Date your tenancy started	
Type of tenancy you currently hold	

## Section 2 – Names of all persons residing with you

Full name	Age	Relationship to you

## Section 3 – Details of any previous assignment/succession

Was your current tenancy obtained through assignment to you, or did you succeed the previous tenant	Date of assignment or succession
YES/NO	

## Section 4 – About the proposed joint tenant

Full name of person you wish to add to your tenancy	
Relationship to you	
How long has this person lived at the property as their only or principle home	
Is this person already a SHDC tenant?	YES/NO
Does this person hold a tenancy agreement for any other property. If yes, please provide details of Landlord and property.	YES/NO
Type of identification provided e.g. Driving Licence, Passport etc.	
Type of evidence provided to prove residency e.g. wage slip, benefit letter	

### Important advice:

1. Entering into a joint tenancy places an obligation on each joint tenant and action will be taken if any tenancy obligations are broken, even if only one of the joint tenants is at fault.
2. On the death of a joint tenant, the surviving tenant succeeds to the tenancy under the principles of survivorship.
3. If one of the joint tenants formally ends the tenancy, the whole of the tenancy comes to an end. The remaining tenant left in occupation may not be guaranteed a tenancy. South Holland District Council may consider taking legal action to repossess the property.
4. If one joint tenant is absent for a period of time the remaining joint tenant will continue to be jointly and severally liable for the tenancy. The absent tenant can still claim for the tenancy on their return.
5. Approving a joint tenancy requires you to end your sole tenancy.
6. In the event of a relationship breakdown, you should obtain legal advice to protect your legal interest and also resolve any issues as to who should occupy the property.
7. If you receive housing or welfare benefits you must notify the Benefit Service or the Department of Work and Pensions in writing immediately if your financial situation changes.

### Declaration

**If your form is not complete or has not been signed and dated it cannot be processed and will be returned to you.**

**If you do not provide all the proof we need, this will also delay your application.**

**Declaration by current sole tenant**

- I have read the legal advice on the previous page knowing that I have not been subject to pressure or coercion and that the decision I made is of my free will and choice.
- I acknowledge and accept that obtaining legal advice including additional advice is of my free will and choice.
- I agree with this request to end my sole tenancy and create a joint tenancy

Signed .....

Print name .....

Dated .....

**Declaration by proposed joint tenant**

- I have read the legal advice on the previous page knowing that I have not been subject to pressure or coercion and that the decision I made is of my free will and choice.
- I acknowledge and accept that obtaining legal advice including additional advice is of my free will and choice.
- I understand that in becoming a joint tenant (subject to approval); I will have entered into a legal agreement with South Holland District Council.
- I clearly understand that the council reserves the right to terminate any tenancy which may be created as a result of any false information given on this form.

Signed .....

Print name .....

Dated .....

