**JOINT TO SOLE POLICY AND PROCEDURE**

**Aim of Policy and Procedure**

Winchester City Council’s Housing Services Department frequently receive requests from joint tenants for one party to remove their name from the tenancy.

Assigning the tenancy by deed of assignment, which can be done when a sole tenant wishes to assign their tenancy to a qualifying successor, is not appropriate for joint tenancies. A joint tenancy cannot be assigned by deed to another joint tenant.

Each joint tenant already has rights to the joint tenancy and therefore is unable to assign rights to other joint tenants of the property. If one of the joint tenants wants to surrender their interest in the joint tenancy, they may be able to seek a legal solution allowing them to do so.

**Investigation Process**

Joint tenants sign a legally binding contract when a tenancy is created and as such should pursue the appropriate legal process to surrender their interest in the tenancy.

In exceptional circumstances when the joint tenants have explored legal remedies and a legal solution is not available or appropriate, then the joint to sole case will be dealt with by the Tenancy Housing Officer in a timely fashion, depending on what information and evidence is required. The Tenancy Housing Officer will aim to notify the outcome within 10 working days. For some more complex cases it may take longer to make a decision, however the applicant will be informed throughout the process.

Circumstances in which it may be appropriate to agree to a new sole tenancy include:

* + - Domestic abuse
    - If one of the joint tenants left the property some time ago and the remaining joint tenant is unable to transfer or undertake a mutual exchange to overcome a particular need (for example, overcrowding)
    - If no legal remedy exists
    - Other extenuating circumstances exist that would justify granting a new sole tenancy, for example, vulnerability of the tenant/s

**If the whereabouts of one of the joint tenants is not known**

If a request has been received to remove a tenant’s name from a joint tenant but the tenant does not know the whereabouts of the other joint tenant, the Tenancy Housing Officer should check that the tenant has pursued all possible routes to find the ‘absent’ tenant, including:

* + Telephoning him/her on all mobile and landline numbers
  + Contacting his/her family, friends and acquaintances
  + Contacting current and previous employers
  + Writing to/visiting any addresses s/he may have been living at since leaving the joint tenancy address

**What happens if a Joint to Sole Request is Contested?**

If both joint tenants make a request for a tenancy in their sole name, or the request is contested by one of the joint tenants at any stage in the process before a new sole tenancy is actually granted, the Tenancy Housing Officer will advise both tenants to seek their own independent legal advice with a view to seeking a legal solution. It is important for the Housing Officer to remain impartial when dealing with both parties in these circumstances.