Housing Rights

https://www.housingrights.org.uk/landlords/deposits/deposits-joint-tenancies

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Deposits in joint tenancies

This information is for private landlords of properties in Northern Ireland.

If you are a tenant, you can find advice here.

If you are a landlord or letting agent in Northern Ireland seeking advice, you can:

- send a message to Landlord Advice, or
- call 028 90 245 640 (Option 1)

If you have more than one tenant on the same tenancy agreement, this is a joint tenancy. You need to say who the lead tenant is when you protect the tenancy deposit.

Dealing with the lead tenant

In a joint tenancy, all tenants may contribute to the deposit. However, the full deposit will usually be protected as one lump sum.

The tenants need to decide who will be the lead tenant. The lead tenant will be responsible for:

- asking for the deposit back when the tenancy ends
- disputing any deductions from the deposit
- distributing the returned deposit between the other tenants

You can change the lead tenant during the tenancy. You will need to show that the tenants agree that the lead tenant should change.

Returning a deposit to joint tenants

There are two types of deposit protection schemes- custodial schemes and insurance schemes.

If the deposit is in the custodial scheme, either:

- you can ask for it to be returned, or
- your tenants can ask for it to be returned

You'll need to say how you think it should be shared between the joint tenants.

The scheme will tell your tenants what you plan to do. The lead tenant might agree with this. Or they can suggest another way the deposit can be split.

If the deposit is in the insurance scheme, you can agree on how the deposit should be returned with the tenants. If you cannot agree, the tenants can contact the scheme to start a dispute.

Dealing with changes and replacement tenants

If a tenant moves out and a new tenant moves in, this means there is a new tenancy. This applies even if other tenants did not move out.

When this happens, you should:

1. ask the old tenants to 'surrender' the old tenancy
2. set up a new tenancy with the remaining tenants and new tenants
3. inspect the property for any damage
4. end the protection on the old deposit, including proposing deductions for any damage
5. protect the deposit immediately with the details of the new tenancy

This will ensure you have protected everyone's deposit correctly.

Relationship breakdown between joint tenants

Sometimes, joint tenants might be in a relationship.

Dealing with deposits when joint tenants split up can be complicated.

Your tenants may want:

- to end the tenancy early, or
- for one tenant to remain and continue with the tenancy

If one tenant leaves without giving written notice, you can hold both tenants responsible for unpaid rent or damage.

This is because joint tenants are usually 'joint and severally' liable. This means they are both responsible for any debt or damage until they end their part in the joint tenancy.

More advice

- Disputes over tenancy deposits
- How to end a tenancy