Housing Rights

https://www.housingrights.org.uk/landlords/tenancy-issues/subletting

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Subletting

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)

Subletting is when your tenant rents out part or all the property to someone else. The person they rent to is called a ‘subtenant’.

Your tenancy agreement should include a term about subletting. In most cases, it says that a tenant cannot sublet without the landlord’s permission. Check your tenancy agreement to see if this applies.

Guests and subtenants

The property is your tenant's home. You can't stop them from having friends or family stay over for a few nights. If the tenancy agreement says the tenants can't have guests stay, this might be an unfair term.

You may need to speak to your tenant if someone seems to be living at the property.

There is the risk that a property can become an unlicensed house in multiple occupation (HMO). This can happen even if you didn't know other people were living in the property.

Overcrowding and HMOs

A property is a HMO if at least three people from three separate families live in it. This can happen even if people are not named on the tenancy agreement. You must have a licence to operate a HMO.

Two friends sharing a property will create an unlicensed HMO if they allow a third friend to move in.

There are rules about how many people can live in a HMO. You cannot have more people living in the property than the maximum allowed. If this happens in your property, Belfast City Council can issue a fine or prosecute you.

Giving your tenant permission to sublet

Your tenant might ask you for permission to sublet the property.

They may have genuine reasons for wanting to sublet if they have lost their job or are struggling to pay rent.

You should think about:

- whether subletting will lead to the property becoming a HMO
- whether you want to include any conditions with your permission
- who will be responsible for any debts or damage caused by the subtenant

Check the terms of your mortgage and insurance. There may be a restriction on allowing tenants to sublet.

Unauthorised subletting

Write to your tenants if they have sublet the property without asking you. You can ask your tenant to give notice to the subtenant, but they will have to follow the correct process. They cannot force the subtenant out immediately.

You have no legal relationship with the subtenant. You cannot simply tell them to move out of the property. Instead, you will have to take action to end the tenancy with the tenant.

If the original tenant moves out and the subtenant is still there, you can:

- ask the subtenant if they want to have a tenancy in the property, or
- ask a solicitor to get a court order to remove the person

More advice

- Problems with HMOs
- Tenancy agreement