

## ENDING YOUR TENANCY

Welcome to Advice Direct..., the written information service from Guild Advice.

Both landlords and tenants have to give the correct notice in order to end a tenancy. The length of notice and the form it must take varies depending on the type of tenancy you have. This leaflet looks at ways for you to end your tenancy. It also looks briefly at things to consider when the tenancy has ended and you are moving out.

The procedure to be followed by the landlord to end the tenancy is detailed in *Advice Direct... Eviction*.

### How to Give Notice?

You should give notice in writing and **keep a copy**. It can just be a letter and requires no specific form. Ensure it is dated and you specify the leaving date. Check your tenancy agreement for any specific requirements e.g. an address where notice should be sent. It is sensible to send the letter by recorded delivery as evidence of receipt in case of any dispute.

### Periodic Tenancy or Oral Agreement

If you have a periodic agreement, one that rolls from week to week or month to month, you normally have to give at least 1 months' notice to end it or 4 weeks' notice if you have a weekly tenancy although there is nothing to stop you agreeing a shorter period with the landlord. If you have a licence the notice required may be less, seek further advice. The notice is normally one full rental period and that notice must expire on the end of a full rental period (subject to the 4 week minimum).

### Fixed Period Tenancy

If you have a fixed period agreement then you are bound to continue with it until the end of the agreement period, unless there is some provision in the agreement that enables you to leave earlier (commonly called a '**break clause**'). A cooperative landlord may waive this right, but otherwise you will be contractually bound to pay the rent for the full period originally signed up to.

Your landlord may allow you to find a replacement tenant to take your place in the tenancy. Guild Lettings and Living may be able to advise you on how to find a replacement tenant. You could also advertise using social media.

**'BREAK CLAUSE'** - THIS IS VERY RARE. IT SPECIFICALLY ALLOWS YOU OR THE LANDLORD TO END THE AGREEMENT AFTER A PRESCRIBED PERIOD HAS RUN AND WILL SPECIFY HOW NOTICE WILL BE GIVEN AND THE LENGTH OF THE NOTICE PERIOD

For information about 'Types of Tenancies' see **Advice Direct... Seeking Accommodation**

## Sole Tenancy

If you decide to leave anyway, you will probably lose your deposit and the landlord can take you to court for any outstanding balance of the rent or seek this from any guarantor.

However, the landlord is under an obligation to try and find a new replacement tenant, thereby reducing what you owe. You would also be sensible to seek a replacement tenant yourself to reduce what you owe. **You can put up an advert in the SHAC and Housing Services.** The landlord would have to agree to any replacement, but could not unreasonably refuse to take on someone you find.

## Joint Tenancy

If you decide to leave then the remaining tenants remain jointly liable for the whole agreement. This means that any one or all of them can be held responsible for the whole of the rent (i.e. including your part of the rent for the period after you have left (and any outstanding rent you may have prior to this)). The landlord can pursue you or the remaining tenants for any outstanding rent.

Equally if your fellow tenant(s) leaves, the landlord can pursue you and other tenants for that tenant's remaining / outstanding rent. If the landlord insists the remaining tenants pay they can then take you to court and equally you can chase a tenant who has left you liable.

So, if a fellow tenant leaves, you and the remaining joint tenants have various options:

- Continue with the existing tenancy & cover outstanding rent between you.
- Find a replacement tenant (whom the landlord must agree to) to take over the exiting tenant's rent (hopefully the exiting tenant will help with this).
- Ask the landlord to seek a replacement tenant (although they cannot force a new tenant on you if you feel you cannot live with the person).

Try to consider your housemates and how they might be affected if you decide to leave early. If you are thinking of leaving early for whatever reason always try to communicate with your landlord. They may be more reasonable than you think and you may be able to reach some compromise or resolve the problems causing you to want to leave in the first place. **Put any concerns in writing and keep a copy.**

## Things to think about at the end of your tenancy

When your tenancy has come to an end (early or not) and you are ready to move out you may wish to think about the following issues:

- Bills – (gas, electric, phone etc) inform service providers that you are leaving and give them meter readings (where applicable). If you are sharing the bills make sure your part of any accounts are paid and that the account is transferred out of your name (if applicable).
- Return all keys to the landlord either in person or by registered post, get your inventory checked and invite the landlord to inspect the property (having cleaned it thoroughly first!)
- Make sure you get your deposit back, see **Advice Direct... Deposits.**

**ENSURE YOU HAVE A COPY OF YOUR CONTRACT WITH YOU WHEN ATTENDING  
AN APPOINTMENT WITH A GUILD ADVICE ADVISOR**

## Sources of Help

### **Guild Advice, Guild of Students**

Email: [thearc@guild.bham.ac.uk](mailto:thearc@guild.bham.ac.uk)

Visit the website at: <http://www.guildofstudents.com/support/thearc/>

#### **Guild Advice Opening Hours (Term Time)\***

<b>Monday - Friday</b> <i>Drop In Clinics</i>	<b>10am — 4pm</b> 12-2pm
<b>Saturday &amp; Sunday</b>	<b>CLOSED</b>
<b>*Vacation Periods</b>	<b>12 noon – 2pm</b>

### **Shelter**

[www.shelter.org.uk](http://www.shelter.org.uk)

Offers advice and information about any housing problems  
Room 30, 2nd Floor, Ruskin Building, 191 Corporation Street,  
Birmingham City Centre Tel: 0121 236 6668

*Shelterline* is a 24-hour free phone service providing advice on a range of housing issues. Tel: 0808 800 4444

### **Birmingham Council Private Tenancy Team** [www.birmingham.gov.uk/privatetenants](http://www.birmingham.gov.uk/privatetenants)

Private Tenancy Officers provide advice and assistance on a range of housing issues, including illegal eviction, disputes and harassment.

Tenancy Issues: 0121 303 5070

Repairs: 0121 303 5341

### **Citizens Advice Bureau**

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

Birmingham City Centre

Ground Floor, Gazette Building, 168 Corporation Street Tel: 0121 248 4950

### **Birmingham County Court**

<http://www.hmcourts-service.gov.uk>

Tel: 0121 681 4441

### **Tenancy Deposit Schemes**

Tenancy Deposit Solutions Ltd

The Tenancy Deposit Scheme

The Deposit Protection Service

[www.mydeposits.co.uk](http://www.mydeposits.co.uk)

[www.tds.gb.com](http://www.tds.gb.com)

[www.depositprotection.com](http://www.depositprotection.com)

**Disclaimer:** The information on this guide only provides general guidance on housing issues and the law. The guide should not be regarded or relied upon as a complete or authoritative statement of the law. Guild Advice will not accept any liability for any claims or inconvenience as a result of the use of information on this guide. If you think that you have a legal problem you should seek further advice.