

When jointly doesn't mean equally?

February 2022

Family lawyer Vandana Chitroda highlights the difficulties an unmarried couple may face when they own property together in the event of a relationship breakdown.

Let's start at the beginning. An unmarried couple are in love and can't wait to live together. They've saved their deposits and are looking at houses. Finally, they find a property and begin purchasing their dream home. Amongst multiple forms from their solicitor is one that asks how they would like to hold the property and whether they would like to be "joint tenants" or "tenants in common." In an ideal world, the solicitor clearly explains the difference between these two, but this doesn't always happen. If the couple selects the wrong option, a cohabitation dispute could follow if the couple separate.

In joint tenancy, if only one person has contributed capital to the purchase or has contributed considerably more than the other, each party still owns an equal share of the property. This option might seem unfair, particularly where one party has used inheritance money or the "bank of mum and dad" to support the purchase. By selecting tenants in common, buyers can choose to own the property in percentage shares, for example, based on the amount they put in. These shares are not set in stone but could be crucial if the relationship breaks down and a dispute arises.

Vandana advises that "although you might prioritise choosing the new kitchen, make time to decide how you should own your property at the outset; it may save you thousands on legal fees and protect your financial interests. Each purchaser should seek independent legal advice regarding any inequality in your deposit contribution. How you own your property also has implications on who benefits in the event of death, and

there can be potential tax consequences/advantages depending on the option selected."

Contact family lawyer [Vandana Chitroda](#) or our head of property [Ben Marks](#) today to find out how they can help you.

Vandana Chitroda
020 7299 6947
vandana.chitroda@riaabg.com
www.riabarkergillette.com



[Click here to make an online appointment](#)

Ben Marks
020 3927 1121
ben.marks@riaabg.com
www.riabarkergillette.com



[Click here to make an online appointment](#)

Note: This is not legal advice; it is intended to provide information of general interest about current legal issues.

