

WDH Assignment



Sometimes it is possible for a WDH tenancy to be passed on to another person. This is known as assignment. This right is explained in your tenancy agreement and is normally only possible in very limited circumstances and only after we have given our permission.

Here's what you need to know if you are thinking about assigning your tenancy.

Q. What is assignment?

Assignment is when a tenant can transfer their tenancy to another person. The tenancy of the property continues, and the new tenant takes on all the rights and responsibilities of the original tenancy.

Q. Do assignment rights vary?

Tenants cannot pass on their tenancy to whoever they wish, the right to assign is limited by the terms of the tenancy agreement and you must always get our permission first.

If you have a starter tenancy you would only be allowed to transfer your tenancy to another joint tenant or if it was a sole tenancy, to a spouse or partner. If you have an assured tenancy it may also be possible for you to pass the tenancy on to a family member.

Q. What effect could assigning my tenancy have on me?

You need to understand that once you transfer your tenancy to another member of your family you no longer have your own tenancy.

You could be asked by the new tenant to move out of your home. We think it is important that you get some independent advice and come and talk to us first if you are considering transferring your tenancy to someone else.

Q. How do I get permission from WDH to assign my tenancy?

We'll ask you to complete an Assignment Application Form and provide us with the information we need to help us decide if you can transfer your tenancy.

If you pass your tenancy to another person without our permission your tenancy will no longer be secure. You can't just move out and leave family or friends living in your home - if you do they will be treated as unauthorised occupants and we will take steps to remove them and end your tenancy.

Q. What happens when I apply?

When you apply we'll check your tenancy records and check to see if the person you want to transfer the tenancy to is eligible.

We can refuse your application if you previously succeeded to the tenancy or the person you want to transfer the tenancy to does not meet the required criteria, for example they have not lived with you for the required period. We'd also normally refuse permission if you had any outstanding rent arrears or there is any legal action being taken against your tenancy.

Q. Will you need to visit me at home?

We will need to visit you to check the information you have provided on your application form. We also need to inspect your home to check for any repairs which are your responsibility or for any improvements or alterations which have been carried out without our permission. We will not be able to make a decision about your application until after we have been to see you.

Q. What happens next if I'm allowed to pass on the tenancy?

If your application is approved, we'll write to you and arrange to meet with you and the person you are transferring the tenancy to. You will both be asked to sign a form called a Deed of Assignment. This is the document that will formally transfer the tenancy.

The person who takes over the tenancy is called an assignee and they will be taking over responsibility for your tenancy including all the obligations that go with being a WDH tenant.

Q. What happens if I'm not allowed to assign my tenancy?

If we refuse your application to assign your tenancy we will write to you and explain our reasons.

Q. Are there any other ways that I can assign my tenancy?

Court ordered assignment

In some circumstances, like a marriage breakdown, you can apply to the courts to have the tenancy put in your name. Once we receive your Court Order we will arrange to meet with you to complete the paperwork needed to transfer the tenancy.

Q. If I have not been a tenant at this address before do I have to provide any information?

You will need to provide evidence that you have lived at the property consecutively for the last 12 months along with proof of your identity.

Assignment following a mutual exchange

If you swap your home with another tenant through the House Exchange service, you will be assigning your tenancy to the person you swap with. For more information see our factsheet WDH Mutual Exchange.

If you need further information about assignment and transferring your tenancy, phone OneCALL on 0345 8 507 507.

We are committed to providing equal access to information. If you would like this information in another format please phone us on 0345 8 507 507.