The Wills Clinic
LEGAL HEALTH SPECIALISTS

Joint Tenants vs Tenants in Common: Why It Matters More Than You Think

When two or more people own a property together in England and Wales, they must choose how that property is legally owned. The two main options are Joint Tenants and Tenants in Common. Although the names sound similar, **the choice can have a significant impact on inheritance, estate planning and what happens to a property when one owner dies.**

Many people make this decision when buying a home and then rarely think about it again. However, the type of ownership can affect families for years to come and may have consequences that owners never expected.

With Joint Tenants, all owners are treated as owning the whole property together. There are no individual shares. **One of the most important features of this arrangement is the right of survivorship. This means that when one owner dies, their interest in the property automatically passes to the surviving owner or owners.**

For example, if a married couple own their home as Joint Tenants and one spouse dies, the property automatically becomes the sole property of the survivor. **This happens regardless of what the deceased person’s Will says.** The property held as Joint Tenants does not form part of a person’s estate for the purpose of inheritance via a Will.

This arrangement is often popular with married couples and civil partners because it is straightforward and ensures that the surviving owner automatically inherits the property.

Tenants in Common works differently. Each owner holds a separate share of the property. These shares can be equal, such as 50% each, or unequal, such as 70% and 30%, depending on the owners' circumstances and contributions.

Unlike Joint Tenants, there is no right of survivorship. **When one owner dies, their share does not automatically pass to the other owner. Instead, it forms part of their estate and is distributed according to their Will or, if there is no valid Will, under the intestacy rules.**

For example, a person who owns a 50% share as a Tenant in Common could leave that share to their children, other family members, friends or a charity through their Will. **This provides greater flexibility for estate planning and can be particularly useful for blended families or people who want to protect assets for future generations.**

The choice between Joint Tenants and Tenants in Common can become especially important after remarriage, where individuals may wish to ensure that children from a previous relationship ultimately benefit from their share of a property. In these situations, owning as Tenants in Common is often considered as part of wider estate planning.

It is important to understand that owning a property as Joint Tenants does not necessarily mean each owner contributed equally to its purchase. Similarly, choosing Tenants in Common does not prevent owners from living in the property together. The difference relates to the legal ownership structure and what happens to each person's interest when they die.

Ownership arrangements are flexible and can be changed. For example, **Joint Tenants can become Tenants in Common through a process known as severance of the joint tenancy.** Legal advice may be helpful before making such changes to ensure they fit an individual's circumstances and objectives.

In simple terms, Joint Tenants means the property automatically passes to the surviving owner, while Tenants in Common allows each owner to leave their share to chosen beneficiaries. Understanding the difference can have a major impact on inheritance planning and help ensure that a property's future is dealt with in line with an owner's wishes.