**Tenant Advice: Rights as a Sub-Tenant**

Sub-letting is increasingly common. Sometimes it is a lawful business arrangement, but it can also be fraudulent. It’s not uncommon for someone to rent a property and then advertise it as if they were the true owner, hiding it from the owner and misleading the sub-tennts.

Sub-letting or agency agreements might be set up by a landlord and agent who are working together to evade their legal duties by blaming each other for offences. If you’ve dealing with an ‘agent’ who doesn’t own the property, make sure you have signed paperwork identifying all parties. **If you’re unsure about your setup, take advice.**

**What is sub-letting?**

Sub-letting is when the tenant of a property re-rents the property to other people without living there themselves. If the principal tenant does live there and rents out rooms, they are taking in lodgers rather than sub-letting, which might breach the tenancy agreement with their landlord (see our companion leaflet on lodgers).

**Do I have any tenancy rights as a sub-tenant?**

Yes. All the rules of a tenancy apply to sub-tenant. If either your landlord **or** the head landlord (your landlord’s landlord) wants you to leave and you don’t leave voluntarily, they must obtain a Possession Order from the county court. Your landlord **and/or** the head landlord can also be prosecuted for harassment and/or illegal eviction.

**Am I being cheated? How do I make sure this isn’t a ‘scam’?**

There are a lot of scams out there, especially online, and lots of people get cheated out of the money they pay to find or rent a room. Evidence for how you rent your room is really important – in particular, if your landlord demands rent in cash, you must make sure you get signed receipts from them every time you make a payment. It’s much better to pay by bank transfer if you can.

There are lots of reasons a landlord may ask for rent in cash, but paying this way can put you at a disadvantage. It may also suggest they are trying to avoid paying tax.

**What if the head landlord tells me to leave?**

When head landlords find out their tenants has been sub-letting the property to you, they might try to evict you.

If the head landlord wants possession of a property where you’re the sub-tenant, they must obtain a possession order against their tenant (your landlord) and must either name you as sub-tenant or refer to “any other occupiers”. Only if you have been referred to by name or as “any other occupiers” and the possession order papers have been served on you does the eviction order apply to you.

So watch out for any letters that arrive addressed to your landlord and “any other occupiers”. **You can (and should) open any letters addressed to “any other occupiers”.**

**How do I find out who the owner is?**

You can go to the Land Registry website and for £3-£4 download a copy of the documents of ownership, which tell you who the property’s owner is and sometimes provide their home address.

**Please note that in practice the legal situation is much more complicated than this advice leaflet can cover, but this is a handy reference to explain your basic rights in privately rented accommodation.**