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JOINT TENANTS - TENANTS IN COMMON

When land is transferred to more than one person, they can own it (be “registered on the Certificate of Title”) either as **Joint Tenants** or as **Tenants in Common**.

In very simple terms, **JOINT TENANTS** collectively own one interest in the land.

Various consequences flow from owning as a Joint Tenant. For example, any one Joint Tenant:-

- is entitled to occupy the whole of the land;
- has exactly the same interest (share) in the land as every other Joint Tenant;
- cannot easily sell/ transfer his or her interest to anyone other than another Joint Tenant in the same land;
- cannot leave the share in the land to a person of his or her choice by Will. The share of a Joint Tenant passes to the other Joint Tenant(s) when he or she dies, whether or not they are named in the Will as beneficiaries.

It is usual (but not essential) that a husband and wife acquire land as Joint Tenants.

In contrast, **TENANTS IN COMMON** own individual shares in an interest in the land. A Tenant in Common:-

- may be entitled to occupy only part of the land;
- may have a greater or lesser interest in the land than the other Tenant(s) in Common;
- can freely transfer his or her interest to anyone;
- can leave his or her share in the land to a person of their choice, in their will.

Ownership as Tenants in Common is usually preferred by:-

- purchasers who want to retain the ability to transfer their interest independently of the other(s) or leave it under to a person of their choice by Will;
- purchasers who have contributed unequally to the purchase and so, wish to hold the land in unequal shares that reflect the proportion of the contribution of each.