

## Subletting

This information is for private landlords.

Subletting is when your tenant rents out part or all the property to someone else. The person they rent to is known as a 'subtenant'.

Your tenancy agreement should include a term about subletting. Most tenancy agreements say that a tenant cannot sublet without the landlord's permission.

## Guests and subtenants

The property is your tenant's home. You can't stop them from having friends or family stay over for a few nights. A tenancy term restricting overnight guests is probably [unfair and unenforceable](#).

You may need to speak to your tenant if someone seems to be staying at the property all the time.

You need to make sure the property doesn't become an unlicensed [house in multiple occupation \(HMO\)](#).

## Overcrowding and HMOs

A property is a HMO if it is shared by at least three people from three separate families. You must have a licence to operate a HMO.

There are rules about how many people can live in a HMO. It is [an offence to exceed the maximum number of occupants](#). If this happens in your property, Belfast City Council can issue a fine or prosecute you.

Two friends sharing a property will create an unlicensed HMO if they allow a third friend to move in. This can cause serious problems and potentially a fine for the landlord from the council.

## **Giving your tenant permission to sublet**

If your tenant asks you for permission to sublet the property, consider the request carefully.

They may have genuine reasons for wanting to sublet if they have lost their job or are struggling to pay rent.

You should think about:

- whether subletting will lead to the property becoming a HMO
- whether you want to include any conditions with your permission
- who will be responsible for any debts or damage caused by the subtenant

Check the terms of your mortgage and insurance. There may be a restriction on allowing tenants to sublet.

## **Unauthorised subletting**

Write to your tenants if they have sublet the property without your permission. You can ask your tenant to give notice to the subtenant, but they will have to follow the correct process. They cannot force the subtenant out immediately.

You have no legal relationship with the subtenant. You have no authority to tell them to move out of the property. Instead, you will have to take action against your tenant.

An unauthorised subtenant is an illegal occupant once the original tenancy ends.

You can either:

- offer the subtenant a formal tenancy of the property, or
- ask a solicitor to get a court order to remove the person

## **More advice**

- [Problems with HMOs](#)
- [Tenancy agreement](#)

## Footnotes