**Activity 2: The pros and cons of joint tenancy vs tenants in common**

This activity sheet is designed to help you understand the key differences between the three main types of property ownership.

## The pros and cons of joint tenancy versus tenants in common

Concurrent ownership is becoming more popular and extends beyond the traditional ‘spouse’ relationship to include different models of co-ownership, for example, friends, family, business partners.

With property prices prohibitively expensive, in places, and rents being higher than mortgage repayments with no asset to show at the end of it, a group of friends may decide to pool their resources and purchase a property together. After a while, though, their individual circumstances may change – one or another may get a job elsewhere requiring them to move from the area; another may decide to get married.

Another scenario could be that grandparents, whose property value will have risen steeply over the years they have lived in the same house, may have bequeathed the property to their grandchildren, but these various cousins may all have various and very different lifestyles/requirements.

The way that property is ‘owned’ is important to determine how each share will subsequently pass.

To create a valid joint tenancy, the following **four unities** must be present:

**1. Unity of Possession**

All co-owners are entitled to possess and enjoy the whole of the property — no one has a specific physical portion of the land; they all have equal rights over the entire property.

**2. Unity of Interest**

All co-owners must have the **same type of interest** in the property (e.g. a freehold estate) and that interest must last for the same **duration**.

**3. Unity of Title**

All co-owners must acquire their interest under the **same document or act**, such as the same deed or will.

**4. Unity of Time**

All co-owners must receive their interest at the **same time** — their ownership must begin together.

**Why it matters:**

If all four unities are present, the co-owners hold the property as **joint tenants**, meaning:

* They **do not own identifiable shares**;
* There is a **right of survivorship** — if one dies, their interest passes automatically to the others;
* Joint tenants cannot leave their share in a will (because they don’t own a distinct share).

If one or more of the unities is missing, the co-owners will be considered **tenants in common**, which means:

* They own **separate, identifiable shares** (e.g., 50/50);
* There is **no right of survivorship** — they can leave their share to someone in a will.

For this activity, you will be identifying the pros and cons of different types of property ownership. As you work in your groups, think about the benefits (pros) and drawbacks (cons) of each type of ownership. Write down these pros and cons in Table 2 and be prepared to discuss how they might influence someone’s decision to choose one type of concurrent ownership over another.

Table 2 – Pros and cons of different types of property ownership

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| --- | --- | --- | --- |
| **Type of ownership** | **Pros** | **Cons** | **Examples/additional thoughts** |
| Tenants in common |  |  |  |
|  |  |  |
|  |  |  |
| Joint tenants |  |  |  |
|  |  |  |
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