

Non-violent Relationship Breakdown Housing Advice

If you live with your partner and the relationship breaks down, you will need to decide what to do about your home when you separate. Your legal right to remain in your property will depend on a number of factors including:

- The legal status of your relationship
- Whether you are a joint or sole tenant or owner of the property
- Whether you have dependant children residing in the property
- Whether you can enforce any rights you have through the courts



Ending your Tenancy Agreement

If you rent your property from the council or a private landlord it is important you check with them the procedure for ending your tenancy. You should also check if you are a joint tenant at the property as this may entitle you to additional rights to the property.

In order to end a tenancy agreement the tenant or tenants would be required to 'give notice' to the landlord. This is normally required in writing and dependant on the situation in which you are ending the tenancy, may require a signature from you and your partner. Make enquiries with your landlord directly for further information. It is important to obtain the correct information relating to your tenancy before you consider ending it, as to do so may cause you to be considered 'intentionally homeless'.

Please note that if you are a joint tenant and move out of the property, you will legally remain liable for any breaches in the tenancy agreement such as rent arrears.

If your partner is the sole tenant and formally ends the tenancy by giving legal notice to their landlord then this will end the tenancy for both of you, even if you do not wish to move out.

Home Ownership

If you're both on the title deeds, it means that you both own the property and will need to decide jointly what decisions are made regarding it. It is important that you seek legal advice if you are considering selling your home.

If your name isn't on the title deeds but you can prove that you have contributed to the property in other ways such as paying the mortgage, then you could be considered as having a 'beneficial interest' in the property and therefore legal rights.

Married Couples

If your partner is the sole tenant but you are married, you have the right to:

- Occupy the matrimonial home, and not be excluded, except by a court order.
- If you are not occupying the home, you can apply for a court order to regain entry to the property and live there.

If you are married and divorce proceedings have begun then you can ask the court to transfer the tenancy into your name. The court will consider both your situations before deciding whether to do this. Please seek suitable legal advice before applying to court.



Legal Options Available to You

Housing rights in a relationship breakdown can be complicated and you may need to seek legal advice. Many law firms offer fixed fee interviews where you can get comprehensive advice on your legal rights to remain in the property and how the matter can be resolved longer term. You can check whether you're eligible for help with the costs involved using the Legal Aid Checker at www.gov.uk/check-legal-aid

The Homeless Charity Shelter has produced a guide for people who are experiencing relationship breakdowns and what their housing rights are after splitting up. The guide can be accessed via: http://england.shelter.org.uk/data/assets/pdf_file/0020/23393/ShelterGuide_RelationshipBreakdown.pdf

You may consider applying for an **Occupation Order** which is issued by the family court under Part IV Family Law Act 1996 and sets out who has the right to stay at the family home, who can return and who should be excluded.

Support Services

Name of Organisation	Who they can help	Contact details
Shelter	Shelter has produced a guide for people who have experienced a relationship breakdown and what their housing rights are after splitting up.	Tel: 0344 515 1944. Website: http://england.shelter.org.uk
Citizens Advice Bureau	Support with general and legal advice and help	Tel: 08444 111 444. Website: http://www.ses-cab.org/tamworth
Relate	Services include Relationship Counselling and mediation for individuals and couples. Support can be provided face to face with licensed local counsellors or via phone, email and live chat.	Tel: 0121 643 1638 Website: https://www.relate.org.uk/
Staffordshire Family Mediation Service	Helping families in conflict, especially those divorcing or separating.	Tel: 01827 314020 Website: http://www.staffsmediation.co.uk

Mediation and Relationship Counselling

If you've already tried to sort things out with your ex-partner and are finding it difficult, mediation could help you both reach an agreement and avoid further conflict. The Housing Solutions team have three trained mediators within the team who can assist with talking to partners or wider family members with the view of resolving your housing situation. Support is also available from charities and support organisations, many based within Tamworth. Further details of these are provided below above in the support table.

Contact Housing Solutions on: 01827 709709. If you are homeless and the council offices are closed, then you can contact the homelessness out of hours service on 01827 709709 and choose option 1.

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