



LANCASTER CITY COUNCIL
Promoting City, Coast & Countryside

Council Housing Services

What can happen to my tenancy if my relationship breaks down ?

Tenancy Matters

This information can be made available in large print, braille, audio and other languages.
For further details please contact us on (01524) 582929.

www.lancaster.gov.uk

RELATIONSHIP BREAKDOWN

This leaflet tells you about some of the housing issues on relationship breakdown. It is always advisable to get independent legal advice.

What is the position where I am a joint tenant?

In the short term, if you and your partner are joint tenants:

- you have the right to remain in the property and can only be made to leave by a court order
- you can only make your partner leave by getting a court order
- you have the right to pay the rent and are liable for it all if your partner fails to pay her/his share
- you are liable for the rent until the tenancy is formally ended, even if you leave the property
- the joint tenancy continues until formally ended, even if only one of you remains in the property

If your partner tries to make you leave, you can ask the court for an occupation order. Your partner could end the tenancy for both of you by giving notice to the Council, so take legal advice if you think this might happen.

In the long term, if you are cohabiting, or married and divorcing, you can ask the court to transfer the tenancy into your name. This is more likely to succeed if the children will be staying with you. You can also do this by agreement with your partner, but get advice about how to make it legal; it's not enough just to tell the Council that one of you is leaving.

What is the position where there is a sole tenancy?

If your partner is the sole tenant, s/he can end the tenancy by giving notice to the Council, so take legal advice if you want to try to prevent this. If you are not married and your partner asks you to leave, you can only stay in the property by getting an occupation order. If you haven't got an occupation order and your partner moves out, you may lose your protection from eviction.

If you are married, you have the right:

- to occupy the matrimonial home and not be excluded, except by court order
- if not occupying the matrimonial home, to obtain a court order to regain entry and live there
- to pay the rent (but you are not legally liable for rent except by order of the court).

In the long term, if you are cohabiting, or married and divorcing, you can ask the court to transfer the tenancy into your name, or do it by agreement, as described above for joint tenants.

If you are the sole tenant, any person sharing with you can only remain in the property with your agreement, unless they are married to you or obtain an occupation order from the court. But your married or unmarried partner may be able to get the tenancy transferred into her/his name by applying to the court; this is most likely to succeed if the children will be living with her/him. If you don't want to stay in the property, it may be worth trying to get the tenancy transferred to your partner's name so that you are no longer liable for the rent.

Domestic Abuse

If you want to stay in your home but are suffering from, or at risk of, abuse or violence from your partner, you may be able to obtain a court injunction to protect you or your children; although this may only be a temporary solution.

There are two types of injunction:

- a non-molestation order orders your partner to stop being abusive or violent. "Molestation" can include many forms of behaviour including harassment and pestering, and the court must consider the need to secure your health, safety and wellbeing and that of your children. The court can attach a power allowing the police to arrest your partner if the order is breached.
- an occupation order can be used to exclude your partner from the home and even from a defined areas around the home. Again, you do not have to prove that there has been violence and the court must consider your child's development as well as your physical or mental health.

Remember that domestic violence is a crime and is now treated seriously by the police, they have specially trained officers who can advise you in confidence on what they can do to help.

If you don't want to stay in your home because of domestic violence and you are unable to rent or buy somewhere else to live or move in with family, your options are either:

- going to a women's refuge. This will be an ordinary house at a secret address where your violent partner will not be able to find you and you will be supported while you decide on your future, or
- applying to the Council as homeless. You will have to convince the Council that you cannot remain in your accommodation because of actual or threatened violence or mental abuse, so it helps if you have had previous contact with the police, a solicitor or social

services. If you are accepted as homeless The Council must provide accommodation for two years or help you to find private rented accommodation, but they may not continue to accommodate you after two years.

You may wish to contact

SAFENET www.safenet.org.uk or 0300 3033 581

Safenet provide domestic abuse services that cover the North West of England, with support based in Burnley, Lancaster, Rochdale, Preston and Pendle.

They offer a range of different services and tailor them to suit each person's individual needs. This includes refuge services for women and children, male safe houses, community-based support, and specialist refuges for those with additional needs, such as addiction, mental health issues and ex-offending behaviours.

LANCASHIRE VICTIM SERVICES

www.lancashirevictimservices.org or 0300 323 0085

Lancashire Victim Services have specially trained staff to support victims of domestic abuse.

CONTACT INFORMATION

Council Housing Services

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Our office hours are 9.00 am to 5.00 pm weekdays
(10.00 am to 5.00 pm Wednesdays)

In an emergency ring the Council's Central Control Centre,
which is open 24 hours a day, 365 days a year.

The number to call is  01524 67099

Calls may be recorded to help improve our standard of service
and accuracy of information