

Transfer of Tenancy Applications

Separating from your partner can lead to many issues, including what should happen to your joint tenancy when you are no longer living together.

Many cohabiting couples live in rented accommodation, where the tenancy in relation to the property is held in the joint names of both parties. Upon separation, parties can often argue about which party is going to “take over” the tenancy and occupy the property, especially when one party is fearful that they may be deemed “intentionally homeless” and unable to secure housing with the council.

In the absence of any mediated or negotiated agreement, both parties can apply to the Court for a Transfer of Tenancy Order and to ask the Court to transfer the joint tenancy into their sole name, thus removing their ex-partner’s name and removing that person’s right of occupation of the property.

Such an application can be made either under the Family Law Act 1996 or within divorce proceedings using the Matrimonial Causes Act 1973. The landlord, housing association or council responsible for the property usually requires notice of the application and is asked to give their consent to any proposed transfer.

For further information about applying for a Transfer of Tenancy Order or other property related issues, take legal advice.

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