



Help for you if you are experiencing a RELATIONSHIP BREAKDOWN

What is this factsheet about?

If your relationship with your partner has broken down it may be difficult to decide who leaves the home. You may have rights to carrying on living there. This factsheet introduces your options. You may also wish to take independent legal advice on this matter.

Joint tenants and joint home owners

If you have a joint tenancy or jointly own a property, you both have a legal right to occupy the property and should not leave the property unless you have found alternative accommodation.

If you have rights to the tenancy, then neither party can exclude the other from the property, or change the locks.

If you cannot decide who should leave the property, then you may need to apply to the court for an Occupation Order and should seek advice from a Solicitor. If you are a tenant of a housing association you should also contact your Landlord

Where only one party holds the tenancy or owns the home, and you are married or civil partners

If you are married, or in a Civil Partnership, you may have marital rights to the property and should not leave until you have secured alternative accommodation (unless you are at risk of violence – see 'Domestic Violence' below). You may have rights, even if only your spouse is named on the tenancy or property deeds.

If you have rights to the property then neither party can exclude the other, and cannot change the locks.

If you cannot decide who should leave the property then you may need to apply to the court for an Occupation Order, and should seek advice from a Solicitor.

Where only one party holds the tenancy or owns the home, and you are not married

If you are not married and only your partner is named on the tenancy (or owns the property), then you do not have any automatic rights to stay in the property and your partner can ask you to leave. They should give you reasonable notice.

However, if you have a child or children from the relationship, you can apply to the Court for an Occupation Order in the interests of the children.

If you have been making financial contributions, you may also be able to make a case to the Court that you have a beneficial interest in the property. If this is the case you should seek advice from a Solicitor.

Domestic Violence

If you are at risk of domestic violence from your partner or member of your family there is help available. There is a separate leaflet available on domestic violence.

In an emergency you should contact the Police immediately, on 999

If you need to leave your accommodation because you are at risk you can contact the following for advice and assistance:

-) National Refuge Helpline - 0808 2000 247
-) Merton Council Housing Options Team – 0208 545 3636 / out of hours 0208 770 5000
-)

Merton is a small borough and if you are fleeing domestic violence, and are at risk in Merton, you can approach any Council in the country for assistance.

Agencies such as Refuge and Women's Aid can offer you holistic advice and support and help you decide what choices you want to make about accommodation.

Refuge

You may be offered a place in a refuge, where you will have a safe space, support to help you make decisions about what happens next, and guidance about the processes.

Homeless Application

If you are at risk in your home you can make a homeless application to any local council, and may be offered temporary accommodation while enquiries are made into your application.

Staying in your own home

You may want to stay in your own home, and should consider seeking legal advice about applying to the Court for an Occupation Order or a Non-Molestation Order. Sanctuary Schemes are available to make your existing home safe by adding extra security measures. Ask the Police or the Council's Housing Options Service about this option.

Homeless or threatened with homelessness?

If you are think you will be made homeless in the next 56 days, you can approach any local authority in England, and ask for assistance. The council will assess your needs, and draw up a plan to help you resolve your housing problem.

If you need to contact us

Visit:

Housing Options
Merton Civic Centre
London Road
Morden
SM4 5DX

Email to: housingadvice@merton.gov.uk

Telephone: 020 8545 3636