

Housing advice for a relationship breakdown



We will advise you on what relationship breakdown means to your housing rights.

Our advice is only guidance and not a detailed statement of the law which a court can give.

You are advised to seek legal independent advice, if you are unsure of your rights.

Your rights will depend on whether you:

- and your partner are married or living together (cohabiting)
- jointly own your home or rent it under a joint tenancy

Joint owners

If you are joint legal owners you have a right under the law of property to live in your home.

Neither of you can exclude each other without a court order. If your partner has excluded you from the home you can apply for an occupation order against them declaring or enforcing your rights to live in your home or regain entry if necessary. It can exclude your partner from living there or limit their use of it.

Remember, a council tenancy is an asset. If you abandon a tenancy without making proper arrangements, you may have problems with housing benefit, council tax or other benefits. Also, it may be very difficult to get another tenancy with a council or a housing association.

Married sole owner

If your husband/wife is the sole owner of your home then you have equal rights to live there because you have matrimonial home rights.

They cannot exclude you without a court order and you are entitled to an equal share in the money made from any sale unless the court decides otherwise. You can apply for an occupation order on www.gov.uk/injunction-domestic-violence/eligibility-occupation.

Cohabiting with a sole owner

If your partner is the sole owner of your home and you did not provide any money to assist with the purchase of the property, you may still be able to take action to prevent losing your home. You can apply for an occupation order on www.gov.uk/injunction-domestic-violence/eligibility-occupation.

Transferring the property into your name

Where you are married, cohabiting, joint owners/tenants or tenancy in sole name only, you may still be able to ask the court to transfer the property to you.

Domestic abuse

If you are living with your partner and they have been violent or have threatened violence then you can apply to the court for an occupation order.



The court would take into consideration various issues, for example, if it is to benefit any children in the relationship or length of the relationship.

The order can give certain rights like excluding your partner from the home or giving an injunction against going within a certain radius of the home. You can find out more about occupation orders on www.gov.uk/injunction-domestic-violence/eligibility-occupation.

Read the guidance on your housing rights for couples who are separating on www.gov.uk/stay-in-home-during-separation-or-divorce.

Paying the rent yourself

Where you are granted an occupation order or the property is transferred into your name, you may need to start paying the rent yourself.

You can email the homeless prevention team at homelessprevention@hillingdon.gov.uk or call 01895 556666.