

# Staying in your home: cohabitees

**This factsheet looks at your right to remain in your home if your relationship with your cohabitee breaks down and you are not named on the tenancy or mortgage.**

This information applies if you are:

- living in your home with your partner
- not the sole, or joint, tenant or owner.

If you are married or in a civil partnership you normally have more rights than those described in this factsheet.

## Your partner wants you to leave

If you are not named on the tenancy, mortgage or deeds to the property, you are a 'bare licensee'.

Normally, your right to live in the property ends when your partner who is the owner or tenant, gives you 'reasonable notice' to leave. They do not have to take you to court to evict you.

In some circumstances you may have stronger rights.

## Do you have a 'beneficial interest'?

If your partner owns the property you may be able to show you have rights to stay or a financial interest in the property.

You may have both signed a formal agreement which states that you would have a share or interest in the property if you ever split up.

Even if no agreement was signed, you may be able to argue that you have a share in the home, especially if you have paid money towards the mortgage.

You may have to prove this in court. This is a complex area of law and you may need specialist advice.

## Occupation order

If you want to stay in the home and you are not a tenant or owner, you can apply to the court for an 'occupation order'.

You will normally only get an occupation order if you have children, or in exceptional circumstances, such as domestic violence.

The court can only grant an order for a maximum of six months, with the possibility of extending it for a further six months.

An occupation order can:

- allow you to stay in your home
- let you move back in if you have left
- stop your partner from using all or part of your home.

## You have children

If you have a child, who is also the child of your partner, then the courts can transfer a tenancy or even the ownership of the property to your child or yourself.

Alternatively, the court may order that you can live in the home until the children reach a certain age. You may need advice from a specialist family law solicitor.

## Your partner moves out

If the mortgage or tenancy is not in your name, you might be able to continue to live in the property and pay the mortgage or rent on behalf of your partner if the lender or landlord agrees. However, once the lender or landlord discovers your partner has left they might decide to evict you.

If any rent or mortgage arrears build up, the lender or landlord is likely to start court proceedings to evict you and your ex-partner.

If you are on a low income or on benefits, it is often possible to be treated as liable for the rent or mortgage in order to claim benefits to help pay the rent or mortgage interest. Get advice if this applies to you.

## Other options

If you are unable to stay in the property, you could speak to your local council. In some circumstances they may have a legal duty to provide you with somewhere to live. If it does not, they may help you to find privately rented accommodation.

## Further advice

You can get further advice from [england.shelter.org.uk/housing\\_advice](http://england.shelter.org.uk/housing_advice), local Shelter advice service or local Citizens Advice. If you have nowhere to sleep tonight, are at risk of harm or losing your home within the next 2 months, call Shelter Helpline on 0808 800 4444 for advice and information on your options.\*



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