

Relationship break-up

your rights



Your Rights

If you find yourself experiencing a relationship breakdown and you both share a home, there are laws to protect the rights of both parties if you cannot agree who should remain in the home.

This leaflet provides some advice and information but you should always seek legal advice.

Joint tenants have equal rights to remain in the home. Either one may end their part of the tenancy but must inform us, in writing, and the other joint tenant, four weeks before they plan to move out. They continue to be a joint tenant for those four weeks.

If you are not joint tenants, the person named as the tenant has the right to ask their partner to leave. However, if you are married or in a civil partnership, you have the right to stay but you may have to go to court. If you are not married or in a civil partnership a court will decide whether you can stay.

If a named tenant leaves the home, the remaining husband, wife or civil partner has the right to stay but an unmarried partner will have to go to court for a decision.

If you have children living with you, a court will normally put their interests first to make sure they do not become homeless. The court will usually give the tenancy to the parent who is the main carer and is responsible for the children.

How to get help

Please do contact us. We are happy to discuss your situation with you and give you advice. The details of any conversation you have with us will be confidential.

We would always advise you to go to a specialist to discuss your options in full and agencies that you may wish to contact include:

- advice agencies for money problems
- counselling services for family problems
- a solicitor for your legal rights.

Remember: No tenant can be made to leave his or her home except by a Court Order. and the court has to be satisfied that there are good reasons for making you leave your home.

Frequently Asked Questions

Can my partner make me leave the home?

If you are named as one of the tenants you have the right to stay. If you are married or in a civil partnership, you both have the right to stay.

If you cannot agree about who will leave, we cannot decide for you and a court will have to decide. If you are unmarried and not the tenant, contact our office and an independent advice agency to find out what options are open to you. Do not give up your right to stay in your home without first seeking advice.

Who can end the tenancy?

Any tenant named on the Tenancy Agreement can end the tenancy. For a joint tenancy, both tenants must agree. If you are not named on the Tenancy Agreement and your partner wants to end the tenancy, please do contact us to discuss your options.

Remember: Act quickly to protect your rights. Only a court has the power to force you to move out of your home. Please do contact us if you find yourself in this situation.

If my partner, who is a named tenant, has left the home what do I do?

You should try and get their written agreement to give up the tenancy. If this is not possible we need to serve a notice on them before we can remove their name from the tenancy. Your right to stay in the home will depend on your circumstances and again you should seek legal advice to consider your options.

What do I do if I am the victim of domestic abuse?

If you are threatened with, or are subjected to abuse from members of your household or an ex-partner, you should seek help and advice. You should contact the Council's Community Casework Office tel: 0141 287 0555 or 0800 838502 (out of hours service) and, of course, the Police on 999. You can also contact the Women's Aid Helpline tel: 0808 800 0028. We have a separate information leaflet on this which is available on our website.

If you are a Thenue tenant, we have a self service APP for your phone or tablet and a Web Portal on our website which means you can access many of our services from the comfort of your home or whilst you are out and about. Via our App or our Web Portal, you can:

- report a repair
- check your rent balance
- report a neighbour or estate complaint
- change your contact details

The App is available from Google Play Store or Apple App Store or you can scan the QR code below. If you need help to download it please do contact staff at our office.



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