

Understanding your housing rights

Transfer of tenancy – interview with client

It can be challenging to solve housing problems.

Ms A attended Toynbee Hall's Free Legal Advice Centre for guidance on transferring her tenancy (changing her joint tenancy to a sole tenancy). We spoke to her about the difficulties she faced when seeking help and her advice to people in similar situations.

The living situation:

Ms A was living with her partner and children. They held the property as **joint tenants**.

This means that:

- both her and her partner's name were on the tenancy agreement
- both had to follow and respect all the agreements under the tenancy

Ms A eventually separated from her partner and continued living with her children whilst he moved out.

The housing problem:

There were **practical difficulties** - Ms A's partner still had to pay the rent despite living in another property. Most importantly, she was worried of **losing her housing rights**. Even though they separated on good terms, Ms A was worried of possible disagreements in the future putting her at risk of homelessness.

Ms A wanted to make sure she was clear about her tenancy rights, so the home is secure and safe for both her and her children.

Seeking help:

Unfortunately, Ms A's tenancy agreement did not explain the specific steps to take to transfer her tenancy and maintain her rights.

Ms A was given different advice each time she contacted her landlord. On one call she was told that her joint tenancy would not make any difference to her rights. However, on another call she was told that her partner must be removed from the tenancy.

Ms A was confused by the different advice and was unsure what to do next.

Ms A called housing services many times before she got through to anyone just to be told they had full capacity. When she reached out to popular charities, she was refused any assistance as she was not homeless. Eventually, she managed to receive advice from Toynbee Hall.

Practical steps you can take if you want to transfer your tenancy a joint tenancy to a sole tenancy

• **Check tenancy agreement**

The agreement is a contract between you, other tenants and the landlord. This will state your rights and what you need to do in different types of situations.

• **Reach out to landlord (housing association, council, private landlord)**

Your landlord's details will be on your tenancy agreement. You should keep a note of the things you need to speak about and what your landlord says in response. It is important to keep this record so you can read back on it and also follow up on any future problems.

• **Contact organisations providing housing assistance**

There are many services that offer advice on your home rights. This includes charities, council or housing association services and legal advice centres such as Toynbee Hall.

You may wish to check their websites first and see if you can contact them through online enquiry, email or telephone number. You can find a list of organisations specifically helping with housing issues below:

- Leasehold Advisory Service (LEASE) (<https://www.lease-advice.org/>)
- Shelter (<https://england.shelter.org.uk/>)
- Refuge (<https://www.refuge.org.uk>)
- Tower Hamlets Private Housing Advice (https://www.towerhamlets.gov.uk/lgnl/housing/Private_housing/using_advice/housing_advice.aspx)
- Citizens Advice (<https://www.citizensadvice.org.uk/>)

You can also find your local free legal advice centres here:

<https://www.lawworks.org.uk/legal-advice-individuals/find-legal-advice-clinic-near-you>

Difficulties getting help

- Ms A felt that many services only offer support if you hit rock bottom. In her view it is challenging to find guidance for situations that are not seen as urgent.
- The professionals she reached out to before approaching Toynbee Hall did not give her clear information that she could apply to her situation. It was difficult for her to understand the law. She was constantly worried about losing her home.
- Ms A was frustrated at the obscene price solicitors charge for advice. In her view lives are ruined by ongoing legal problems and some people can lose all their money. The crippling costs cannot be afforded by everyone.
- Ms A reported that she felt stressed and spent a lot of time trying to find solutions. She feels that it is even harder for those working and having to pay bills.

Advice to others

Ms A kept trying to reach different services and did not give up. She feels more fortunate than others. Ms A says that people can feel even more helpless when English is not their first language. She believes it was down to her alone to work out a solution but acknowledges that some people won't have the confidence to help themselves.

Ms A recommends seeking advice for housing issues. She recommends asking questions to understand the situation better. **“Do not be afraid to learn... and do your own research. Take responsibility and your own power”.**

She also advises others going through similar situations not to give up.

If you need free one-off legal advice, you can fill in this form by the Free Legal Advice Centre (FLAC) of Toynbee Hall:

<https://www.toynbeehall.org.uk/free-advice/legal-advice/#online-flac-ia-form>
or you can email FLAC here: **flac@toynbeehall.org.uk**

Please know that we do not offer representation or do case work. We provide advice on housing, employment, immigration, consumer, civil matters and more.

If you want to find other free legal clinics or you need representation, please look at LawWorks here: <https://www.lawworks.org.uk/legal-advice-individuals>