

## Transferring your tenancy

### Joint to Sole Tenancy

It is important to know what type of tenancy you have. This is especially the case if your relationship ended as decisions will need to be made about who will continue living where. Perhaps you wish to stay in the property with your children or want your ex-partner to move out.

You and your ex-partner could have a **joint tenancy**. This means that:

- both of you signed a single tenancy agreement with the landlord when you moved into your property
- both of you have an equal right to the home
- both of you must follow and respect the agreements under the tenancy

You may not want this after you break up for different reasons. For example, both of you will need to continue meeting the agreements under the tenancy such as paying the rent.

In this situation, it is advisable to apply for a **transfer of tenancy**.

This is a court order that allows you to become the **sole tenant** if you continue to live in the property. You will be the only person on the tenancy agreement and responsible for all the duties under it.

### How can I transfer my tenancy?

If you and your ex-partner agree to who will stay in the property, you can arrange a tenancy agreement in your sole name with your private landlord.

If you cannot agree with your ex-partner, you will have to apply to the court for an order. How you apply will depend on your relationship status (whether you are married or not), if you have any children or whether you are facing any domestic abuse by your ex-partner.

Check whether you fit in to any of these situations:

Your status	What it means
<b>Cohabiting</b>	You live together with your ex-partner and did not get married
<b>Married</b>	You are legally married to your ex-partner and wish to divorce
<b>You have children and are not married <u>or</u> are married but not divorcing</b>	You have children (under 18) with your ex-partner and want to continue living in your property with your children

In most cases, you will need to complete **Form D50B** to transfer your tenancy.

However, please note that this will not always be the case – if you are in other family proceedings such as a divorce or non-molestation order application for domestic abuse, the transfer of tenancy will be considered alongside the family proceedings. Please seek legal advice about what form you need for your transfer of tenancy.

Check here (link) for some of the things you should think about before seeking legal advice on completing Form D50B.

### Paying for the application

You will have to pay a fee of £245 when applying to court.

If you have a low income, you may be eligible for a **fee exemption**.

The exemption will depend on your income, savings and benefits that you may receive. Please check if you can get help with the fees [here](#).

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](mailto: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>