

Transfer of a tenancy of a rental property

This guide will help you if you have a tenancy, you wish to stay in the property and you want your ex-partner to move out (or they have already moved out).

It is important to know what type of tenancy you have.

Under a joint tenancy, both of you have an equal right to the home, and both of you must follow and respect the agreements under the tenancy (eg paying rent). This applies even if your ex-partner has moved out.

If you have split up, it is advisable to apply for a transfer of tenancy from joint names to your name only (sole tenancy). You should always seek legal advice. If you are involved in Family proceedings and qualify for Legal Aid, your solicitor can deal with this for you.

If you and your ex-partner agree about who will stay in the property, you can ask your landlord to end your joint tenancy and arrange a new tenancy in your sole name. Never agree to surrender your current tenancy without taking legal advice; without a written guarantee from the landlord that they will grant you a sole tenancy at the same property, you could make yourself voluntarily homeless. The council will not rehouse people it thinks are voluntarily homeless.

Alternatively, if you have an assured tenancy or an assured shorthold tenancy, you might be able to change the names on your existing tenancy agreement - this is called 'assigning' your tenancy. You can do this by writing to the landlord asking for the Right to Assign the tenancy (Part 4 of the 1985 Housing Act). There are conditions and your landlord is unlikely to agree if there are any breaches of tenancy such as rent arrears.

If you cannot agree with your ex-partner, you can apply to the court for an order for the tenancy to be transferred. Social landlords may insist on a court order.

You can also use the same process to apply for a tenancy in your ex's sole name to your sole name.

To apply, you need:

- [Form D50B](#)
- A witness statement
- The fee or an application in form EX160 to waive the fee

How to complete the D50B

Ignore the box at the top right. The court fills this in.

Tick one of the three boxes:

- Tick the Family Law Act 1996 box if you are married to or just divorced from the other tenant
- You can also tick the Married Women's Property Act 1882 if you are still married (but not if you are already divorced or in a civil partnership)
- Tick the Civil Partnership Act 2004 if you are in a civil partnership or dissolving one
- Tick the Family Law Act 1996 box if you never married the other tenant but lived together

The tenancy must relate to a house you lived in together. For married couples and civil partners it can instead relate to a house you intended to live in together. It cannot relate to business premises.

If you are married or in a civil partnership you will need to have started either divorce, dissolution, nullity or judicial separation proceedings, and reached the stage of conditional order, before you can apply for a transfer of tenancy under the Family Law Act. Put

your name in the applicant box. Put your ex's name in the next two boxes and then in the final box put their address.

Ignore the boxes that say when the hearing is. The court will complete these.

In the box marked 'for an order in the following terms' write: 'An order transferring the tenancy in the property at [insert your address] into the sole name of the applicant. The tenancy is in [joint names]/the respondent's sole name']

Over the page, in the box marked 'the court has jurisdiction on the following basis to deal with these procedures' write 'The parties are habitually resident in England and Wales and the property is situated in England and Wales.'

If you will need special assistance at court such as a reasonable adjustment for a disability or an interpreter, write what you need in the next box.

Sign and date the form. Delete the references to a solicitor.

In the statement of truth, cross out 'the applicant believes' so that it reads 'I believe'. Cross out the line saying duly authorised. Put in your name and address and date. Ignore the boxes referring to a solicitor or company.

A statement of truth is you saying that the information you have provided is true. If it is not true then you can be prosecuted for contempt of court and fined or sent to prison.
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Witness statement

You will also have to write a witness statement. This should include:

- What type of tenancy it is, whose names are on the tenancy, and who the landlord is
- The address and land registry title number. If you do not know this, then look at our guide [Getting Information about Who Owns a Property](#)

- That you and the other party lived in the property as spouses (if you are married) or civil partners (if you are in a civil partnership) or cohabitants, and for how long
- The circumstances leading to you or your ex becoming a tenant
- Both of your housing needs (for example, you have two children and need a property with at least two bedrooms near their school, your ex-partner has no dependants and needs one bedroom near their place of work)
- Both of your housing resources (for example, both of your financial resources, ability to rent elsewhere, other properties either of you own or rent)
- The effect that making an order, or not making an order, will have on you, the other party and any children
- If you are not married to the other tenant but lived together then your statement also needs to cover
- The nature of your relationship and how long you've lived together, and how committed you were to one another
- Whether you have any children together • How long it is since you stopped living together
- Number each paragraph of your statement.
- If you have a letter from the landlord agreeing to the transfer, then mention this in your statement and refer to it as exhibit A. Write 'exhibit A' on the top of the letter and attach it to your statement. Not all landlords will agree, so don't worry if you can't get a letter.
- At the end write 'I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.'
- Then sign and date it.

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Sending the application

There is a fee of £279 to pay. You can pay by cheque to HMCTS.

If you are a low income, you might not have to pay. Look at Guidance EX160A and form [EX160](#).

If you think you do not have to pay, you can either complete form EX160 and send it to the court or you can [go online and fill in the form there](#) to get a 'help with fees' number. The application form you are applying to get help with fees for is a D50B transfer of tenancy.

Send your D50B form and witness statement to Family Court Hearing Centre, Bishopgate, Norwich, NR3 1UP with the fee of £279 and/or one copy of the fee exemption form EX160 and evidence of benefits received (a letter from the DWP not a screenshot).

Keep a copy of the forms for yourself.

The court will process the application and contact you with a date for a court hearing.

You will have to show the court evidence that you have served (delivered) a copy of the application on your ex ("the respondent") and the landlord. For the landlord, this means posting it to the address they have given on your tenancy agreement.

Please contact us if you would like this guide in another language.

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