

The legal field of **cohabitation** is an expanding area of law, which deals not only with cohabiting couples of mixed and same sex relationships, but also other investors in property. For example, with the sharp increase in property prices over the last ten years or so, younger people are starting out on the housing ladder, and often elect to club together to buy or invest in property. Unless this is given careful consideration and thought, legal problems can often arise in the future.

Buying a Property

At the time of buying a property, the conveyancing lawyer should discuss with the purchasers, the method in which they both wish to invest in the property. The legal expression for this is to buy as a **joint tenant** or as **tenants in common**.

A **joint tenancy** will automatically transfer the property to a couple jointly. If one party subsequently dies then that house will immediately become the property of the survivor, irrespective of any Will which may have been written. Furthermore, upon sale of that property the couple would receive the sale proceeds in equal shares, irrespective of any contribution made by each party or subsequent contributions.

Alternatively, co-owners of property can be **tenants in common**. This is a method of clearly defining a percentage share of each parties' investment in that property. For example, if A contributed 80% towards the purchase price, then it might be reasonable that he or she owns 80% of the defined share of the property. Additionally, this type of ownership allows each party to leave their share of the home or investment in their Will to their chosen beneficiary upon death.



Ending a Cohabitation

Disputes often arise once unmarried couples, who own property jointly, split up. One party may wish to force a sale. This is possible by application to the Court under the Trusts of Land and Appointment of Trustees Act 1996. Sometimes, there may be a child to consider and an application to protect the child's financial needs during his or her minority can be made under the Children Act 1989.

The law becomes particularly complex if the property is purchased in one party's sole name, with the other having contributed significantly to the purchase price, or having made a significant capital contribution to it subsequently. Such a situation is governed by **Trust Law**. Its complexity is often reflected in the cost of resolving such a dispute.

The Government is currently looking into reforming the law regarding cohabiting couples who choose not to get married as currently they do not enjoy the rights given to married couples or couples involved in

Civil Partnerships. However, such legislation is liable to take many years.

At Buckles Solicitors LLP, we often urge people who invest in property together or who decide to cohabit as a couple, to consider

entering into a **cohabitation agreement** as this outlines their intentions from the start and avoids messy and expensive misunderstandings later. Prevention is certainly better than a costly cure.

Buckles Solicitors LLP – key contacts

Buckles Solicitors LLP has a strong Family Law Department with in-depth experience of dealing with the breakdown of family relationships, whether in marriage, cohabitation or civil partnership, whether or not children are involved.

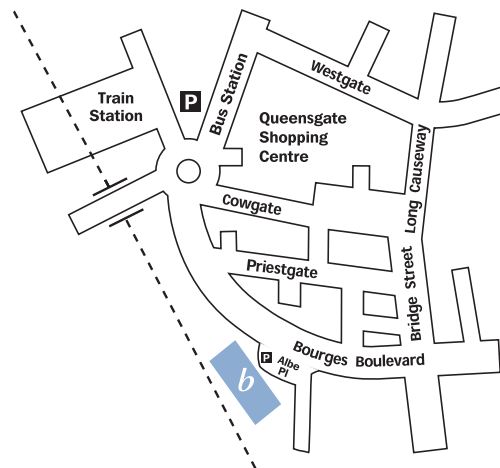
We tailor solutions to the needs of each client offering a bespoke service based on an individual's circumstances, and understand the related practical issues, such as how to separate, where to live, the arrangements for any children, and money or property matters.

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