

Tanner v Tanner [1975]

Possession of a house purchased for an unmarried parent and their children.

Evidence

The plaintiff and the defendant had twin daughters but were never married. The father purchased a house for the mother and children to inhabit. The mother and twins moved into the house having left her protected tenancy on an apartment. When the father obtained possession over the house, the mother and children were evicted. The mother appealed against the possession being obtained exclusively by the father.

Problematics

The mother inhabited a house due to a contractual licence. The document could be terminated only after the daughters had graduated from school. Furthermore, she relinquished her tenancy on an apartment to move into the house under the contract. The question was whether she and her children could get a beneficial interest in the house.

Resolution

Though there was no contract made in writing, the conditions were clear. The court held that the mother and the daughters could not be rehoused before they had graduated from school. The father could not get the possession before that moment and was obligated to pay damages in the sum of £2,000 to the mother.

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