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ASK THE EXPERTS

The solicitor

My mother left her house to my two sisters and me. One has been living there for 20 years – she won't leave and says we must sell the house to her. She can't buy it outright so would pay by instalments, but we're not confident she has the finances. She's never paid rent. What can we do?

PE, by email

The property is held on trust between you all, pursuant to the Trusts of Land and Appointment of Trustees Act 1996. Under this, your sister has an entitlement to remain in the property unless a court order is obtained authorising her removal. However, the act also provides that where one party occupies the trust property to the exclusion of the others, they should pay compensation – so your sister should pay rent and upkeep costs.

As a long-term solution, you could apply to the court under the act for an order for sale of the property. If your sister cannot fund the purchase in a reasonable period of time, the property could be sold to a third party to release the funds for distribution between you all. The court would make this order if it was reasonable in the circumstances, having balanced factors such as your sister's long-term occupation and financial position with your need to realise the value of the asset.

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