

Death of a Tenant Policy

Purpose

The purpose of this Policy is to outline the action Housing Trust will take when notified of a tenant passing away.

Policy

Under the Residential Tenancies Act 2010, when a tenant dies their tenancy does not immediately end.

A range of administrative actions will be implemented to manage the deceased person's tenancy. Where a tenant dies, the tenancy must be formally ended through:

- Relinquishment of the tenancy by the executor of the estate or the next of kin of the deceased
- Notice of Termination being issued by Housing Trust in accordance with the Residential Tenancies Act 2010

Where relinquishment of the tenancy is expected, Housing Trust will provide reasonable opportunity to the person's next of kin or executor to remove any goods and clean the property before issuing a Notice of Termination to end the tenancy.

Joint Tenancy

If there is a joint tenancy and one tenant passes away Housing Trust will amend the lease and have it signed by the remaining tenants. Housing Trust will require proof by way of a death certificate or discharge notice from the hospital. Housing Trust will recalculate the rent and backdate it to the date of the person's death.

Succession of Tenancy

Where a sole tenant passes away and there are remaining occupants in the property Housing Trust will consider an application for succession of the tenancy.

If succession is approved, Housing Trust will end the deceased tenant's tenancy agreement and sign a lease with the approved successor.

If succession is declined, Housing Trust will:

- notify the applicant their application for succession is declined
- recommend the applicant apply for Social Housing and provide further housing options
- issue a Notice of Termination to the Estate of the Deceased
- Seek termination orders through the NSW Civil & Administrative Tribunal (NCAT) to obtain possession of the premises.

End of Tenancy Costs

Housing Trust will assess whether to recover costs for damages or rent arrears or water usage from a deceased person's estate. In addition, the deceased tenant's bond will be utilised to recover any outstanding amounts.

Goods remaining in the Premises

When a tenant dies, Housing Trust will comply with the Uncollected Goods Act 1995 and the Residential Tenancies Act 2010.

Reference or Related Documents

Internal

1. Succession of Tenancy Policy
2. 105004 Application for Succession of Tenancy Form
3. 105014 Succession of Tenancy Checklist
4. 107013 Succession of Tenancy Letter

External

1. Residential Tenancies Act 2010
2. Uncollected Goods Act 1995

Policy Version Control

Version	Details of Improvements	Release Date	Approval/Release Details
V 1.0	Original Policy - Policy ID # TM11	10.11.2014	Approved for release by GM:C&C
V 2.0	No change to policy intent – updated to new HT template	07.09.2017	Approved for release by GM:C&C
V 3.0	No change to Policy intent – Policy updated to current HT Policy Template Reviewed and endorsed by the Tenant Advisory Group between the period May – July 2020 (due to COVID-19) and the Executive Leadership Team (ELT) on 24.08.2020.	04.09.2020	Approved for release by Amanda Winks Chief Operations Officer