

# Death of Tenant

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## 1. Purpose

Under the *Residential Tenancies Act 2010*, when a tenant dies their tenancy does not immediately end. The purpose of this policy is to outline Housing Trust's policies when a tenant dies.

## 2. Tenancy Management

When Housing Trust is notified or becomes aware that a tenant is deceased, steps will be immediately taken to secure the property by ensuring it is locked.

Access to the property will be provided only to the personal legal representative of the deceased person or persons authorised by them.

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

- Relinquishment of the tenancy by the executor of the estate or the Next of Kin of the deceased (usually by returning the keys to the property to HT), or by
- Termination notice 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.

## 3. Joint tenants and remaining occupants

Where there is a joint tenancy and the other tenant is remaining in the property:

- An amended lease is to be signed for the remaining tenant only
- A copy of the deceased persons' death certificate or discharge notice from the hospital will be requested by HT to inform the NSW Rental Board
- Household rent will be recalculated (and usually backdated) to the date of the persons' death

Where the tenancy has ended and there are remaining occupants in the property (who are not joint tenants), Housing Trust will comply with the procedures in the *Residential Tenancies Act 2010*:

- A notice of termination will generally be issued by HT within 7 days
- Advice will be provided to those persons about their housing options
- Termination orders may be sought from the NSW Civil & Administrative Tribunal (NCAT) to obtain possession of the premises in accord with s95 of the Act

Eligibility to remain in the property is determined by the succession policy and any applicable statutory requirements.

## 4. End of tenancy costs

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



## 5. Goods remaining in the premises

When a tenant dies, Housing Trust will comply with the 'abandoned goods' requirements of the *Residential Tenancies Act 2010*. The key elements of these requirements include:

- Immediate removal of perishable goods and rubbish
- Issuing a disposal notice stating that goods may be removed from the premises within 14 days
- Removal and storage of 'personal documents' for a period of 90 days
- Disposal of goods in accordance with the Act