



Living

Death of
a tenant

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We understand that dealing with the death of a family member or friend is a difficult time and there is a lot to do when you least feel able to do it. We have provided this information to try and make the process of ending or succeeding a Living tenancy as easy as possible.

Ending a tenancy when a tenant dies

A tenancy does not automatically end with the death of a tenant as it becomes part of their estate. This means that only someone who is an executor or administrator of the estate can legally end the tenancy. The deceased tenant's next of kin cannot end the tenancy unless they are executors or administrators.

An executor is someone who is named in the deceased tenant's will as someone who will deal with the tenant's estate after they have died. An administrator is someone who has applied to the Probate Registry and got a letter of Administration (sometimes called a Grant of Probate). Alternatively, you can get a solicitor to sign a statutory declaration to say that you are responsible for the estate.

We will contact the executor or administrator to end the tenancy by asking them to sign either notice to quit or to sign a deed of surrender. A notice to quit ends the tenancy in 4 weeks. A deed of surrender ends the tenancy on the day it is signed.

If there are any arrears or credit on the account we will let the executor or administrator know.

If an executor or administrator cannot be identified we will notify the Public Trustee, a government appointed official, and bring the tenancy to an end four weeks after it is served.

Passing on a tenancy

If a joint tenant in an assured tenancy dies, then the surviving tenant always becomes the sole tenant and the tenancy passes to them. The surviving joint tenant is responsible for any rent arrears on the property.

If there is no surviving joint tenant, there may be other circumstances where the tenancy will pass onto the deceased tenant's partner or another member of the household. This process is called succession. If you believe that you can succeed to a tenancy you need to notify us within 28 days of the death with information that confirms that you have lived at the property for the last 12 months.

Payment of rent following a tenant's death

We charge the full weekly rent until the tenancy is formally ended. The executor, administrator or family members are not personally responsible for paying the rent of the deceased tenant. This must be paid as well as any arrears from the deceased tenant's estate.

Housing Benefit or Universal Credit

If the tenant was in receipt of Housing Benefit or Universal Credit this will end on the Sunday after their death. If the tenant dies on a Sunday HB/UC will end that day.

If you are the surviving spouse or family member your entitlements to benefit may change. If you need a benefit check this can be arranged by calling our Welfare Benefits Advisor on **0800 587 4538**.

What will happen to the deceased tenant's possessions?

If the tenancy is to be ended the property will need to be cleared of all furniture and personal belongings before the keys are returned to Livin. This can only be arranged by someone who is an executor or administrator of the estate.

A person who is next of kin cannot make decisions about the deceased tenant's possessions unless they are executors or administrators of the estate.

The local council may remove rubbish, bulky items and unwanted furniture by arrangement. The Council contact details are:

Durham County Council 03000 26 0000

Darlington Borough Council 01325 405 111

If furniture and goods are not collected from the property we will store them for 28 days after the tenancy has ended before disposing of them.

'Tell Us Once' service

'Tell Us Once' is a service that lets you report a death to most government organisations in one go.

Livin Housing Ltd is not a government department and therefore we are not part of this scheme so even if you use this service you will need to tell us separately.

When you register the death the registrar will:

- Let you know if the service is available in your area
- Give you the phone number you need to contact
- Give you a unique reference number to use the Tell Us Once service online or by phone

More Information

If you need any more information please contact Livin to discuss your concerns. Our contact number is **0800 587 4538** or email **contactus@livin.co.uk**

Ending a tenancy following bereavement

- Provide a death certificate
- Provide details of executor or administrator of estate
- Inform council tax and benefits of the death
- Remove all furniture, carpets and personal belongings from the property



0800 587 4538 or 0845 505 5500



livin.co.uk



feedback@Livin.co.uk or contactus@Livin.co.uk



wearelivin



@weare_livin

Livin, Farrell House, Arlington Way, DurhamGate, Spennymoor, Co. Durham DL16 6NL

Submit complaint via the Livin smartphone app (Android or iOS). If you require the services of an interpreter or translator in making your complaint, please let us know.