

Action on the Death of a Tenant Procedure

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Owner:	Fiona Ross	Job Title:	Head of Housing Services
To be issued to:		ARK Management All Staff	
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Version Control

Date	Owner	Version	Reason for Change
Nov 2019	Head Of Housing	V 5.0	3 yearly review

Summary of Changes

Section	Change
1 - Introduction	Shortened to remove detailed reference to succession rights
Appendix 1	Keys mandate created
Appendix 2	Leaflet created – Guide to Terminating a Tenancy after a death
Appendix 4	Details of QLRT and NuHu moved into a new appendix

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1.0 Introduction

We recognise that the death of a tenant is a distressing time for all involved. We will seek to deal with the death of a tenant in a courteous, sensitive and compassionate way.

This procedure describes the action we will take where a deceased tenant lived on their own. In instances where there is more than one person living in the property and the tenant dies reference should be made to the HM24 – Change of Tenancy Procedure, which will deal with any claims of succession to the property.

2.0 Action Following Notification of Death

2.1 Action following the death

When the Housing Services Officer (HSO) is notified of the death of a tenant, the following actions should be undertaken as soon as possible:

- Add appropriate details to Capita, e.g. date of death, who notified;
- Ensure that relevant tenancy details are amended so that no further correspondence is sent to that tenant;
- Establish if there are contact details for a Next of Kin and/or Executor;
- If the tenant was in receipt of Housing Benefit, advise the appropriate Council Benefits Department immediately to minimise the amount of overpayment that may arise.

2.2 Confirmation of Death

Before the tenancy can be terminated, the HSO requires written confirmation of death. The HSO will ask the Next of Kin/Executor or support provider for a copy of the death certificate.

Where there is no Next of Kin or Executor dealing with the deceased affairs the HSO will contact the Procurator Fiscal to confirm the date of death and request a copy of the death certificate.

Where a death has occurred and it is not clear whether the police were involved the HSO will contact the local authority police liaison officer or 101. If it is found that a death in a property is suspicious or unexplained the police will act as the procurator fiscal and take control of the property until it is deemed acceptable for property to be returned to ARK.

2.3 Securing the Property

The HSO will liaise with the Maintenance Officer (MO) to ensure that the property is secure and that the keys are either:

- a) Passed directly to the Next of Kin;
- or**
- b) Located at The Priory/Forres Office for collection by the Next of Kin.

The Next of Kin will be asked to sign a receipt to acknowledge receipt of the keys. (Appendix 1)

2.4 Next of Kin

If the Next of Kin has not been the person to notify us of the death, the HSO will attempt to contact the Next of Kin by phone or email to advise that the tenancy needs to be terminated and cleared within 7 days. They will be sent the information leaflet "A Guide to ending a tenancy for a next of kin or executor" (Appendix 2).

In instances when the family members do not empty the possessions from the property within the 7 day period, the HSO will write to the next of kin to ask that they uplift the items and advise that they have a further 7 days to clear the items. It should be made clear in this written communication that the possessions will be destroyed if not uplifted (Appendix 3). This letter will require proof of service of this written communication by way of recorded delivery.

2.5 No Next of Kin

Where the HSO has not been able to contact a Next Of Kin within one week of the death, the HSO will contact the local procurator fiscal who will make preliminary enquiries on behalf of the Queen's and Lord Treasurers and Remembrancer (QLRT) National Ultimas Haeres Unit (NUHU) (for contact details see Appendix 4).

The procurator fiscal will work with HSO and may request to visit the property and speak with neighbours to get as much background information on the tenant as possible.

NUHU will make enquiries to find a living heir to manage the estate. If there is no living heir, the NUHU will act as last heir on behalf of the Crown.

The tenancy should not be accessed or locks changed until a Next of Kin is confirmed by the NUHU and permission has been given to do so.

The HSO will write to the NUHU to ask that they uplift the items and advise that they have 14 days to clear the items. It should be made clear in this written communication that the possessions will be destroyed if not uplifted (Appendix 3). This letter will require proof of service of this written communication (i.e. by way of recorded delivery).

If they advise that it is not possible for the items to be removed within 14 days ARK will make arrangements for an inventory of the items to be taken and stored for a minimum of 6 months. If it is thought that the value of the items would be less than the cost of storage the Head of Housing Services will carry out a risk balancing exercise to decide whether items should be disposed of.

The HSO must ensure that the NUHU are written to at all stages to inform them of the Associations' intentions with the deceased possessions.

2.6 Payment of Rent

If the keys are not returned within 14 days of the date of death the daily rent charge will be applied to the deceased rent account until the keys are returned. The HSO will arrange for an invoice to be sent to the Executor for any outstanding rent balance.

If there is a credit on the rent account the HSO will arrange a refund to the Estate.

Where the Procurator Fiscal is involved the HSO will arrange for invoices to be sent to the Procurator Fiscal's office for an amount equal to the monthly rent, until the estate is resolved.

3.0 Ending the Tenancy

The HSO will formally terminate the tenancy on the date of the death of the tenant. However if the keys have not been received within the 14 days of death, the tenancy end date will be changed to the date that the keys are received and an invoice will be issued for rent due.

4.0 Implementation and Review

4.1 Implementation

The Head of Housing Services is responsible for ensuring that this procedure is implemented and followed when required.

4.2 Review

The Head of Housing Services will ensure that this procedure is reviewed at least every three years.

Appendix 1 - Key Receipt



Key receipt for Property at:

I acknowledge receipt of the keys for the above property from the ARK Housing Association and after emptying the property, will hand deliver to the Priory Office/Forres Office.

Details of number of keys received:

Date Received: _____

Signed by Next of Kin: _____

Next of Kin Contact Details _____

Agreed Return Date _____

Signed By ARK Staff: _____

Appendix 2 - A Guide to Terminating a Tenancy after a death

A Guide to Ending a Tenancy for a next of Kin or an Executor



Thank you for notifying the Association of the death of one of our tenants. We realise that this is a sad and difficult time for you and your family but unfortunately there are things that you, as the next-of-kin or executor, are required to do in order to ensure that the tenancy is correctly ended.

The Association is keen to make this as easy as possible for you and your family and we would therefore be grateful if you would take the time to read through these guidance notes on ending the tenancy.

However, before you or any other member of your family formally end the tenancy, please make sure that there is no-one that has succession rights to the tenancy. If you are unclear as to who could succeed to the tenancy, please contact the office immediately as all claims for succession must be submitted to the Association within 28 days of the tenant's death.

Appendix 3 - Mandate to dispose of belongings



TENANT(S) NAME:

ADDRESS:

DATE OF DEATH:

I, (Next of kin)

.....(address) hereby authorise
ARK Housing Association to dispose of all items of furniture and personal belongings as
detailed in the inventory below:

Signed :

Date :

Witness :

Date :

Appendix 4 - Details for The Office of Queen's and Lord Treasurer's Remembrancer (QLTR) and NUHU

<https://www.qltr.gov.uk/>

Queen's and Lord Treasurer's Remembrancer Office
Scottish Government Building
1B-Bridge
Victoria Quay
Edinburgh
EH6 6QQ

Tel no. 0300 020 3512* or 0131 243 3210

National Ultimus Haeres Unit (NUHU)

NationalUltimusHaeresUnit@copfs.gov.uk

The National Ultimus Haeres Unit
Procurator Fiscal Office
Cameronian House
3/5 Almada Street
Hamilton
ML3 0HG

Telephone Number: 0300 0204196 or 0141 420 8804