

Death of a Landlord

In the unfortunate event of a Landlord's demise, it is often uncharted territory for many. Here at Chapmans', we aim to guide you through this challenging period, offering clear steps to ensure a smooth transition during this difficult time.



WHAT HAPPENS TO THE EXISTING TENANCY AGREEMENT?

Upon the passing of a Landlord, the tenancy agreement does not cease. It remains in effect, maintaining the tenant's rights and obligations. Effectively the executor will step into the Landlord's shoes and the tenant can remain in situ until a decision is made – either asking the Tenant to leave as the property is to be sold or retaining the Tenant when the property passes to a new owner. In the latter case, we would let your Tenant know about who the new owner is and their Landlord Registration Number. While it's not obligatory, a new tenancy agreement can replace the existing one if the Tenant agrees to a fresh lease.



HOW DO WE HANDLE RENT PAYMENTS DURING THE PROPERTY'S ESTATE ADMINISTRATION?

During the administration process, Chapmans' will securely hold any incoming rent in a protected client account. The funds will only be distributed according to the instructions from the executor, following the verification of the Landlord's death, proof of executor's identity, and explicit instructions on rent payment distribution.



WHAT ABOUT RE-LETTING THE PROPERTY?

It is possible to re-let a property while a decision is being made on the new ownership of the property. Property re-letting should only be actioned upon the executor's approval. In cases where the property is rented out while the estate is under administration, any new tenancy agreement will carry the name "The Estate of the Late [Landlord's name]".



DOES THE EXECUTOR NEED TO BE REGISTERED AS A LANDLORD?

A property owned by a deceased Landlord and managed by an executor is not required to have a Landlord Registration Number for up to six months from the date of demise. Afterwards, the executor should apply for a Landlord Registration Number.



HOW DOES THE LANDLORD'S DEATH IMPACT OUR ENGAGEMENT WITH THE PROPERTY?

In most circumstances, the executor will carry on with our services while handling the estate. We'll continue to manage the property as per our agreed terms, dealing with the executor instead of the late Landlord. As the beneficiary steps into ownership, a new management contract can be drawn up for the new owner should they wish to engage our services for the continued management of the property.

Information correct as of May 2024.

We hope you have found this helpful. If you have any questions or would like to speak to a member of our team, please don't hesitate to get in touch.



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