

# Death of a Tenant

**We understand that there may be unfortunate circumstances where Landlords need to navigate the death of a Tenant. The following is designed to address your concerns and provide clear instructions on how we will handle such a situation.**



## **SUSPECTED TENANT DEATH IN PROPERTY?**

If you suspect that a Tenant may have passed away in the property, notify your local police station immediately. They will undertake a thorough investigation using your keys to access the property. Should our agents discover the death, we will exit the property without tampering with anything and promptly inform the police.



## **POLICE INVESTIGATION POST-MORTEM**

The police will initially treat the death as suspicious until proven otherwise. During their investigations, access to the property might be restricted. In rare instances, this restriction could last for weeks or even months. While rent arrears cannot accrue (the tenancy ends on death), your building insurance policy or loss of rent policy may cover it.



## **TENANCY STATUS POST-MORTEM**

Should the Tenant's death occur, their rent liability will cease on the date of death. Joint-named tenancies continue with the surviving tenants fulfilling all tenancy terms. In some circumstances, those living with the tenant could inherit the tenancy but please get in touch for more advice. Retaining a copy of the death certificate is always good practice.



## **CLAIMING DEDUCTIONS FROM TENANT'S DEPOSIT**

Deductions from the deposit can be applied for, for cleaning, rent arrears etc if the Tenant was the sole tenant. We would inform the deposit scheme that the Tenant has passed away and provide them with details of the executor or next of kin.



## DEALING WITH BENEFIT PAYMENTS

Should you/we receive benefit payments towards the rent, we would inform the local authority (for Local Housing Allowance) or the Department for Work and Pensions (for Universal Credit) about the Tenant's death.



## REMOVAL OF TENANT'S BELONGINGS

The executor specified in the Tenant's Will, will administer the affairs including removing any belongings from the property. If there is no will (intestate), next of kin are responsible for removing the property.



## CLEARANCE TIMELINE

When the property is being cleared, we would communicate a reasonable deadline to the executor or family. We cannot accept any rent payments as it could inadvertently create a verbal tenancy agreement.



## UNTRACEABLE EXECUTOR OR NEXT OF KIN

If the Tenant's relatives can't be traced, we would contact the National Ultimus Haeres Unit. They will conduct a mini-investigation, collect and store the Tenant's belongings until a relative is found. However, we would only dispose of remaining items after receiving written approval from the Procurator Fiscal Office.

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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