

What will happen to the tenancy if a tenant dies?

If a joint tenancy is held and one of the tenant dies, the tenancy will automatically pass to the surviving tenant who is qualified to succeed in the tenancy.

If the tenancy is in a single name, the first priority goes to the surviving spouse, partner (e.g. person living with the tenant as their husband or wife), co-habitee or same sex partner providing that the property was their only or principal home for 6 months previous to the tenants death.

The second priority, if anyone in the above category does not qualify, or where they do qualify but choose not to succeed, goes to a member of their family providing that they are over the age of 16 and that it was their only or principal home at the time of the tenants death.

The third priority, if anyone in the above category does not qualify, or where they do qualify but choose not to succeed, goes to a carer who was providing care for the tenant or a member of their family. The carer must be over the age of 16 and have given up their previous or principal home with the tenants property having been their only or principal home at the time of the tenants death.

If a sole tenant dies and there is nobody living at the home with the right to succeed, the next of kin has the responsibility of ending the tenancy. In the event of a tenant dying, 4 weeks notice should be provided in writing from the next of kin. The property should be cleared out before the notice expires and keys are returned. If the next of kin are unable to do this, Waverley Housing can carry out this work but will need to charge for this service along with any outstanding rent payment from the estate of the deceased.