

## **Guidance notes on the completion of a tenancy termination form following the death of a Tenant**

### **NOTICE PERIOD**

The notice period for an assured tenancy is four weeks. The executor or administrator of the deceased tenant can end the tenancy by surrender or by giving notice. Legally, the next of kin cannot end the tenancy unless they are executors or administrators because they have no legal power to do so.

However, Chelmer Housing Partnership (CHP) will accept notice from the next of kin if we have a written assurance that no other relative can make a claim on the estate of the deceased. When the executor, administrator or next of kin make contact (either by telephone or letter) to inform us of a death, we will start the notice period from the first Monday after that date, unless you inform us on a Monday in which case we will use that date.

**Under the terms of the tenancy agreement we require 4 weeks notice even in the event of a death.**

You will need to advise the Allocations Team if you will require longer than the standard notice period. We also advise that you speak to the Allocations Team if the property is cleared earlier than the notice period, as if we can re-let the property before the notice period expires we will only charge rent up to that time.

### **PAYMENT OF RENT**

Until the tenancy is ended the liability for rent continues to accrue against the estate of the deceased. When the tenancy has ended CHP can request the executor or administrator to pay the arrears from the estate. If there is money in the estate we would expect this to be used to pay any outstanding rent balance or rechargeable repairs costs due up to the end of the tenancy.

**Please note there is no obligation on the next of kin or common law partners to pay these costs from their own money.**

We would expect proof to be provided that there is no money in the estate to pay for any outstanding charges e.g. a recent bank statement belonging to the deceased. Full weekly rent is due up to the termination date (subject to the keys being returned on time). The last payment of rent should be made no later than the end of the first week after the tenancy ends. Please contact the Income Management Team on 01245 613000 for information on outstanding balances.

### **HOUSING BENEFIT**

If the deceased was in receipt of Housing Benefit and Council Tax Benefit this will cease at the end of the week in which they died, irrespective of the amount of rent due because of the notice period required. You will need to inform the Council of the death and ending of the tenancy. Chelmsford Borough Council can be contacted on 01245 606606.

If you require any further information please contact the Allocations Team on 0845 155 3000.