

Death of a tenant policy

Purpose

This policy establishes the approach of West Turk Housing and Elderly Services Co-operative (West Turk) to what happens if a tenant dies.

Scope

This policy applies to all long-term rental properties owned or managed by West Turk.

Policy statement

West Turk will finalise tenancies following the death of a tenant with sensitivity and in a fair and consistent manner.

In the event of the death of a tenant, continuing occupancy will automatically be available for co-tenants who are listed on the rental agreement (for example, a spouse).

Continuing occupancy will not automatically transfer to other members of the household who are not co-tenants (for example, adult children living in the property).

If there are members of the household who are not offered continuing occupancy, West Turk may offer a short-term tenancy (up to three months) to settle the deceased tenant's affairs and establish alternative accommodation.

Children of tenants cannot be offered continuing tenancy as a direct result of the death of a parent. All property vacancies will be filled in accordance with the *Rent Eligibility and Allocations Policy*.

Death of a sole tenant

When West Turk is notified or becomes aware that a sole tenant has died, steps will immediately be taken to make sure the property is locked and secure.

Access will only be provided to the personal legal representative of the deceased, or to persons authorised by the tenant prior to their death.

West Turk will implement administrative procedures to formally end the tenancy of a sole tenant, through either:

- Relinquishment of the tenancy by the executor of the estate or next of kin (usually by return of the keys to West Turk)
- Notice to Vacate issued by West Turk in accordance with the Rental Tenancies Act

West Turk will apply the *Goods Left Behind* policy to deal with the goods and personal belongings in the property, including the immediate removal of perishable goods.

Co-tenants and remaining occupants

Where there is a co-tenant listed on the lease, an amended rental agreement in their name will be provided by West Turk within 14 days.

A copy of the death certificate or discharge notice from the hospital will be requested by West Turk and household rent will be recalculated and backdated to the date of the person's death.

When there are remaining occupants in the property, who are not co-tenants, West Turk will implement administrative procedures to formally end the tenancy by issuing a Notice to Vacate in accordance with the Rental Tenancies Act.

West Turk will discuss housing options with the remaining occupants and may offer a short-term tenancy (up to three months) to the remaining tenants to support them in settling the deceased's affairs and establishing alternative accommodation.

Procedures

Procedures established by West Turk will include processes to:

- secure a premises in the event of the death of a tenant
- issue a new lease to a co-tenant
- advise remaining occupants of their options
- end the tenancy in accordance with the Rental Tenancies Act

Legislation and standards

This policy implements West Turk's obligations under:

- Housing Act 1983 (Vic)
- Performance Standards for Registered Housing Agencies
- Residential Tenancies Act
- Victorian Charter of Human Rights and Responsibilities