



Death of a Tenant Policy

Presented to Board for Approval: 24 April 2025

Next Review: May 2028



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ARABIC هذه المعلومة متوفرة تحت الطلب بلغات أخرى، بطباعة بأحرف كبيرة، بطريقة برايل و على شريط صوتي. إذا أنت ترغب في الحصول على هذه المعلومة بأي من هذه الصيغ، الرجاء أن تتصل بفريق سياسة جمعية آلاسكو للإسكان Cadder HA على الرقم 0141 945 3282

SOMALI Warbixintaan waxaa, haddii la dalbado lagu heli karaa luuqaddo kale, daabacaad weyn, Farta ay dadka indhaha la' akhriyaan (Braille) iyo qaab cajaladdo maqal ah. Haddii aad doonayso inaad warbixintan ku hesho mid ka mid ah qaababkaas, fadlan kala xidhiidh Kooxda Xeerarka ee Cadder HA telefoonka 0141 945 3282

Farsi این مطالب را می توانید به زبان های دیگر، به شکل چاپ با حروف درشت یا حروف بریل (برای نابینایان) و بر روی نوار صوتی درخواست نمایید. در صورتی آه مایل به دریافت این مطالب به یکی از شکل های فوق هستید لطفاً با دفت Cadder HA تماس تلفن شماره .آنید حاصل 0141 945 3282

RUSSIAN Данная информация может быть предоставлена по требованию на других языках, крупным шрифтом, шрифтом Брайля и в аудиозаписи. Если вы хотите получить данную информацию в одном из этих форматов, обратитесь в Cadder HA по телефону 0141 945 3282

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1. Introduction

- 1.1. It is the aim of Cadder Housing Association (CHA) to deal with the death of a tenant in a sympathetic manner. Whilst taking account of the bereaved family's loss, the Association must ensure that any rent loss is minimised and make the most effective use of our stock.
- 1.2 The objective of this policy is to clarify the Association's position and to give staff guidance with situations involving the death of a tenant.
- 1.3 By having a written Death of a Tenant Policy we are able to ensure that a consistent and professional approach is adopted throughout the Association and the service delivered is compliant with law, best practice and current regulation.

2. Legislation and Regulatory Requirements

- 2.1 In all aspects of the Death of a Tenant process, the Association will seek to conform and comply with all legislation, performance standards, guidance and good practice that directly or indirectly affect the process.
- 2.2 The key legislation influencing this policy is:
 - The Housing (Scotland) Act 2001
 - The Family Law (Scotland) Act 2006
 - The Burial and Cremation (Scotland) Act 2016
 - The National Assistance Act 1948
 - The General Data Protection Regulations
- 2.3 This policy also seeks to comply with the following Scottish Social Housing Charter Outcomes:
 - **Outcome 1: Equalities**

Social landlords perform all aspects of their housing services so that:

 - they support the right to adequate housing
 - every tenant and other customer has their individual needs and rights recognised, is treated fairly and with respect, and receives fair access to housing and housing services.
 - **Outcome 2: Communication**

Social landlords manage their businesses so that:

 - tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.
 - **Outcome 13: Value for Money**

Social landlords manage all aspects of their businesses so that:

 - Tenants, owners and other customers receive services that provide continually improving value for the rent and other charges that they pay.

3 Equalities

- 3.1 Our commitment to equal opportunities and fairness will apply irrespective of factors such as race, sex, disability, age, gender reassignment, marriage & civil partnership, pregnancy and maternity.
- 3.2 An equality impact assessment was carried out in conjunction with the preparation of this policy. It is deemed that this policy will not unduly affect under any person(s) with the above-mentioned characteristics.

4 Death of a Tenant

- 4.1 Where the tenant dies and there is an executor (representative of the deceased), they will be responsible for funeral arrangements. The funeral must be the first thing paid out of the estate. The executor should be advised to check the cost before proceeding, as the local authority will not cover money already spent.
- 4.2 Where the tenant dies in hospital and there is no next of kin, the hospital Social Worker will arrange the funeral. In any other circumstances if there is no next of kin, the funeral is arranged by an Officer of the Council, often from Social Services.
- 4.3 Where the death of a tenant is classed as suspicious, the police, acting as agents of the Procurator Fiscal, will take control of the property to ensure that all evidence is gathered. The complexities of the case will dictate how long it is before the keys to the property are forwarded to the next of kin, or returned to the Association.
- 4.4 Where the Association learns of the death of a tenant, and the family fails to respond to communications within fourteen days of the date of death, then Housing Management must contact Glasgow City Council's Registrars to obtain an extract of the death certificate and arrange a forced entry into the property.
- 4.5 Where the Association has been informed of the death of a tenant, but the executor has failed to provide a copy of the death certificate, the Association shall contact Glasgow City Council's Registrars with the tenant's name, date of birth, address and date of death for confirmation. The tenancy shall be ended from this date. If keys have been returned from the family, the Association can gain access immediately to start void work.

5. End Date of Tenancy

- 5.1 When we receive notification of the death of a tenant, where no person qualifies to succeed the tenancy, a period of up to two weeks should be allowed for the house to be cleared.
- 5.2 We recognise the difficulties and sensitivities associated with clearing belongings of a deceased person; therefore, the Head of Housing has the discretion to extend this period.
- 5.3 In the event of the death of a tenant when there is no qualified person to succeed the tenancy, the tenancy is terminated on notification of the tenant's death, by using the date of death as the tenancy end date. Therefore, the tenancy must be

closed from the date of death and not the date that the keys for the property are returned to the Association.

- 5.4 Rights to Housing Benefit and Universal Credit normally end on the death of the tenant. We have the discretion to claim our tenant's estate for any recent rent loss accrued after their death if applicable.

6. Terminating the Tenancy and Succession

- 6.1 In the event of the death of a tenant when there is no qualified person to succeed the tenancy, the tenancy is terminated from date of death.
- 6.2 Persons claiming the right to succeed a tenancy, should notify the Association within 28-days of the tenant's death.
- 6.3 If there is a qualified person then new tenancy arrangements should be made passing the existing tenancy to a qualified person, recording that a succession has taken place. Guidance regarding successions should be sought from the Association's Succession to Tenancy Policy.
- 6.4 Succession to a tenancy may only occur twice. A tenancy that has passed twice may be terminated on the death of the second succeeding tenant.
- 6.5 Persons who fail to provide adequate proof of residency to succeed the tenancy within 28-days of notification of succession claim will be informed that they have no legal entitlement to the tenancy. They will be told that failure to vacate the property and remove their belongings will result in summary court action being taken to recover the property and reclaim loss of rental income.

7 Next of Kin / Close Relatives

- 7.1 In the vast majority of deaths, the Association will be contacted by the next of kin or relatives of the deceased who take control of all the furniture and personal effects left in the property. A death certificate is essential to end the tenancy and must be obtained from the next of kin or relatives at the earliest convenience. This will also act as proof to the identity of the person claiming to be next of kin or relative, further checks should be carried out, e.g., providing identification.
- 7.2 The next of kin or relatives should be asked to clear the property as quickly as possible and return to the keys to the Association within 2-weeks.
- 7.3 Should the executor or next of kin request a period of longer to clear the property, the Association may agree to this and may charge in advance for this period to cover lost rent.
- 7.4 If the next of kin or relatives are unwilling or unable to take responsibility for clearing the property, they should be asked to sign a mandate allowing the Association to clear the property and dispose of any belongings.

8. No Next of Kin or Close Relatives

- 8.1 If there is no next of kin the estate legally becomes ownership of the Government. In cases of suspicious death or where no next of kin or relatives are involved, the Police will be dealing with this situation. Thereafter, the Police will be responsible for contacting one or both of the agencies responsible for funeral arrangements and executing the estate.

- 8.2 The agencies referred to are the Local Authority and the Procurator Fiscal. Local Authorities have a legal obligation to organise and pay for the funeral of a person who has no next of kin.
- 8.3 The Procurator Fiscal will investigate and liaise with CHA, and if necessary, the 'Queens and Lord's Treasurers and Remembrancer'. Once the Procurator Fiscal has concluded their investigations, they will contact us with their findings.
- 8.4 If a next of kin has been established, we should encourage them to empty the property as soon as possible.
- 8.5 If no next of kin have been established the Procurator Fiscal will inform us what should happen to the furniture and personal effects that have been left in the property. We will compile an inventory of furniture and personal effects. These cannot be removed until authorised by the Lord Fiscal, who in most cases will have already consulted with the 'Queens and Lord's Treasurers and Remembrancer'.

9. Entering the Premises

- 9.1 If the Police or the Association receive information about a suspected death in a property, the Police will deal with this situation.
- 9.2 The Police will force access if required and investigate the circumstances of the tenant's death. They will contact any next of kin or relatives and pass the details to Cadder HA.
- 9.3 If there is no next of kin or relatives the Police will contact the Procurator Fiscal who will carry out their own investigations.
- 9.4 When Police and Procurator Fiscal have concluded their investigations, Cadder Housing staff will compile a full inventory of each room and where possible, take photographs of any goods found within the property. Once the inventory has been completed it must be signed and dated.
- 9.5 If there is a small amount of cash (less than £50) it should be recorded and witnessed by two members of staff. It should be kept securely in our office or banked, pending a decision as to what should be done with it. If the amount exceeds £50, the Procurator Fiscal should be informed and they will notify the 'Queens and Lord's Treasurers and Remembrancer'.

10. Complaints

- 10.1 Any individual who is dissatisfied with the service experienced should be encouraged to provide feedback. Complaints regarding the implementation of this Policy will be dealt with in accordance with the Association's Complaints Policy and associated procedures.

11. Policy Review and Consultation

- 11.1 This policy will be reviewed every three years or earlier if deemed appropriate due to legislative changes.
- 11.2 Consultation with the community and resident participation is one of the key aspects of the way in which the Association operates. We therefore welcome the statutory

provisions in the Housing (Scotland) Act 2001 which require all social landlords to take tenants' views into account when formulating key service delivery policies.