

Questions from North Area Panel November 2020.

N.B. These are responses to questions that were asked in North Area Panel on the 26th November 2020.

What happens when a resident dies?

A tenancy does not end on the death of a tenant. In law it has to be ended by a formal notice, giving a full 4-week notice period ending the tenancy on a Monday, either:

- by notice from an Executor of the late tenant's estate or a Personal Representative with Letters of Administration
- Where there is no Executor or Personal Representative with Letters of Administration, by the council serving Notice to Quit (NTQ) and sending a copy to the Public Trustee, the government body appointed to deal with these matters.

Where there are delays in receiving proof of the executor or personal representation it maybe more appropriate to serve an NTQ to limit rent owed, property turnaround time.

Are relatives responsible for clearing properties?

An agent is someone who notifies the council of a tenant's death but is not the Executor of the will or a Personal Representative of the deceased. An Agent has no liability towards the rent owed and no legal responsibility to act on behalf of the late tenant.

Where there is an Executor/Personal Representative ending the tenancy on behalf of a deceased tenant they will be informed of the terms and conditions of the tenancy and that the late tenant agreed to these terms when signing the original tenancy agreement.

What if they live oversea?

Due to the restrictions in place in response to the Covid 19 pandemic, friends and families of deceased tenants may not be able to clear possessions from the property by the end of the notice period.

We introduced a temporary procedure to deal with such incidents.

Where there is an executor or person with letters of administration and they mention potential difficulties with clearing the property by the tenancy end date our Rehousing Team are notified and will work with relatives on a reasonable time scale which in some cases will go beyond the end of the tenancy.

For cases where we do not have an executor or person with letters of administration, we will have a conversation with the next of kin or person notifying the council of the

death. They will establish whether there is a family member who is willing to take responsibility for clearing the property.

We ask for a property clearance waiver to be signed and we arrange for the belongings to be secured within the property for an extended agreed period of time.

How much time do we give?

The length of time agreed to store belongings in the property will be dependent on circumstances of each case. We will consider whether they live out of area, are shielding due to vulnerabilities or are self-isolating.

If the agreed deadline is not met, the Housing team will carry out a full inventory and arrange storage and disposal of goods under Section 41 notice procedures.

We do not unnecessarily dispose of remaining goods straight to landfill. Our Estates Team will enter properties at the end of the notice period and store any items that are considered in reasonable condition for re-cycling. This may include carpets and curtains if in good order following inspection from the Empty Homes Team. Estates hold an inventory of all items which can be used for future households who move into one of our properties if they have minimal items.

Why can't we give more time?

Although we offer additional flexibility during the pandemic, we still have to bring tenancies to an end to avoid rent loss and extended void property periods.

Janet Dowdell, TSOM and Lorraine Bourton, Re Housing Manager.