

## DEATH OF A TENANT PROCEDURE

|                    |                             |                       |                  |
|--------------------|-----------------------------|-----------------------|------------------|
| Procedure number   | PPOL003P                    | Version               | v1.0             |
| Drafted by         | Program Development Manager | Approved by Board on  | 22 February 2017 |
| Responsible Person | Program Director            | Scheduled Review Date | 22 February 2019 |

### 1. RESPONSIBILITIES

- 1.1 Landlords are responsible for following these procedures.

### 2. PROCEDURES

- 2.1 The landlord is made aware of the death of a tenant.
- 2.2 The landlord requests written notification of the tenant's death from the next of kin or legal representative.
- 2.3 Following receipt of written notification, the landlord negotiates with the deceased tenant's next of kin or legal representative on a suitable date for the termination of the tenancy via serving a notice to vacate that:
- a. is no less than 28 days following receipt of the written notification, as stipulated in the Act
  - b. allows sufficient time for the next of kin or legal representative to make appropriate arrangements regarding the deceased tenant's affairs, noting that any agreement that exceeds 28 days may result in rent being charged to the deceased tenant's estate.
- 2.4 If the landlord is unable to serve a notice to vacate, they may apply to VCAT for an order to terminate the tenancy.
- 2.5 Where there is a remaining occupant who was in a marriage-like relationship with the deceased tenant, an offer of new tenancy within the Program will be made:
- a. if they accept, the landlord proceeds with the establishment of a new tenancy, following the procedures set out in the Establishing a Tenancy Procedure
  - b. if they decline, the landlord proceeds with procedure 2.6.
- 2.6 Where there are remaining occupants who will not continue to occupy the property, the landlord, at their discretion, may offer a short-term, fixed-term tenancy to allow occupants to settle the deceased tenant's affairs and establish alternative accommodation.
- 2.7 Where necessary, the landlord may request that CEHL facilitate access to external support agencies for remaining occupants.

### 3. RELATED DOCUMENTS

- Death of a Tenant Program Policy.

- Referral to Support Agencies Program Policy.
- Appropriate Alternative Accommodation Program Policy.
- Establishing a Tenancy Procedure.
- [Residential Tenancies Act 1997.](#)

#### **4. AUTHORISATION**

|             |                     |                  |                  |
|-------------|---------------------|------------------|------------------|
| Approved by | CEHL Board<br>..... | Date of approval | 22 / 02 / 2017   |
| Position    | CEHL Chair          |                  | Karren Walker    |
| Position    | Manager             |                  | Nicola Foxworthy |