

Introduction and Overview

The purpose of this procedure is to guide Housing Management and Maintenance Service staff in the processes that should be applied when dealing with death. Housing Management and Maintenance Services should ensure that these procedures comply with current legislation, the Scottish Social Housing Charter and good practice and read in conjunction with the Association's Void Management Policy and other relevant policies.

Aims and Objectives

It is the aim of the Association to ensure that our services are relevant, responsive and deal with situations surrounding death in a sympathetic and professional matter. It is also the aim to minimise rent loss.

The Scottish Secure Tenancy Agreement (SST) and Short Scottish Secure Tenancy Agreement (SSST) detail the steps that should be taken in the event of a tenant's death. Where there is a right to succeed to the tenancy then the Association's Succession Policy will apply.

Death of a Tenant Procedures

The Association can be given notice of the suspicion of a death or a death from different sources, such as Police Scotland (the police), the Local Authority, a neighbour or a relative. When a tenant has passed away we will adopt a sensitive approach to the needs of the next of kin or representative dealing with the late tenant's affairs.

Persons who fail to provide adequate proof of residency to succeed to the tenancy within twenty-eight days will be informed that they have no legal entitlement to the tenancy and failure to vacate the property and remove their belongings will result in court action being taken to recover the property and reclaim the loss of rental income. In these circumstances, Housing Management will seek legal advice from the Association's solicitor.

In the event of death, and if no person qualifies to succeed to the tenancy, the tenancy will be terminated on the date the Association gains entry to the property and Void Management procedures initiated. Where personal effects have been left or rechargeable repairs / replacements are required then Maintenance Services will arrange for the necessary works to be carried out and recharge the costs to the estate.

This document outlines the Association's procedures in relation to the following sections:

1. Suspicion of Death in the Property
2. Homicide or Unexplained Death
3. Notice of Death Provided
4. No Notice of Death Given

1. Suspicion of Death in the Property

Where there is concern for a tenant's welfare then a series of quick checks can be helpful before contacting the police. These checks should include:

- check with neighbours as to when they last saw the person;
- contact with any known relative or friend;
- contact with any support services or General Practitioner.

Where there is a suspicion of death in the property, staff should contact police to request assistance. If a death has occurred, the police will generally lead the investigation and will retain the keys. In so doing, there will be no further entry to the property and the keys will remain with the police until their investigations are complete.

Death of a Tenant Procedures (Continued)

1. Suspicion of Death in the Property (Continued)

Where there is no crime scene identified, or the tenant has died out with the property, the police will secure the property and will make the necessary arrangements to contact the local Mortuary, the Crown and any next of kin. When investigations are complete, the police should forward keys to the next of kin for the removal of personal effects. If no next of kin is established then the Local Fiscal should advise of the procedures and what should happen to the contents of the property.

2. Homicide or Unexplained Death in the Property

When a homicide or suspicious death has occurred in the home, the Association will most often be informed by a third party, such as the police or neighbours. Where a death in a home is classed as suspicious or unexplained then the police, acting as agents of the Procurator Fiscal, will take control of the property to ensure that all evidence is gathered and all the required examinations take place. Suspicious or unexplained deaths can include death following a drug overdose or where a body has been found after a period of time. During the time the property is in police control the Association will not be able to access the area. The complexities of the case will dictate how long it is before the keys to the property are returned to the next of kin or the Association. If no next of kin is established then the Local Fiscal will advise of procedures and what should happen to the personal effects that have been left in the property.

3. Notice of Death Provided

In the vast majority of deaths, the Association will be contacted by a relation or representative of the late tenant who will take control of the furniture and personal effects left in the property. Where the Association is advised of the death by a third party then Housing Management will make all reasonable efforts to establish contact with the person dealing with the death so that the legal position can be confirmed. This may involve sending letters to the property address or contacting any known relative or friends. If an executor has been appointed then they will have the authority to deal with the estate of the late tenant.

Once contact has been made then Housing Management should request that a copy of the death certificate is forwarded to the Association. Housing Management should also arrange to have a Death of a Tenant Notice (Appendix 1) completed and mandate signed for the disposal of unwanted furnishings and personal effects. If there is any doubt as to the identity of the person claiming to be the next of kin or relative then further checks must be carried out and written proof of identity provided.

Depending on the circumstances, Housing Management should issue an Acknowledgement Letter (Appendix 3 or 4) and Guidance Notes (Appendix 2) to the person dealing with the death to confirm that they have fourteen days from the date of death to remove personal effects and return the keys to the Association and that this may be extended by Housing Management by a maximum of two further weeks provided the late tenant's estate will cover the rent costs or where relatives will meet the costs in advance.

Where possible, Housing Management should seek to arrange a property inspection prior to the keys being returned to the Association to agree the condition of the property and to re-iterate the tenancy end process.

Death of a Tenant Procedures (Continued)

4. No Notice of Death Provided

If the Association receives information that the tenant has passed away then Housing Management should adopt a response appropriate to the circumstances. The following procedures should be used for guidance:

- Where the information is received within fourteen days of the date of death then Housing Management should make efforts to contact relatives, friends, neighbours and support agencies to establish a next of kin. In addition, an Acknowledgement Notice (Appendix 4) and Guidance Notes (Appendix 2) should be served at the property address requesting an immediate response. If the family fails to respond to this notice then a Reminder Notice (Appendix 5) should be served at the property address. Where there is no response to communications then a Notice of Recovery (Appendix 7) should be served at the property address confirming the date of repossession. This date should be at least fourteen days from the date of death.
- Where the information is received after fourteen days of the date of death then Housing Management should make efforts to contact relatives, friends, neighbours and support agencies to establish a next of kin. In addition, a Letter (Appendix 6) and Guidance Notes (Appendix 2) should be served at the property address requesting the immediate return of keys.

Where there is no response to the above communications then a Notice of Recovery Letter (Appendix 7) should be served at the property address confirming the date of repossession and Maintenance Services instructed to arrange recovery of possession.

5. Searching the Property

Where a forced entry to the property is arranged, two members of staff must be present and the locks changed. A risk assessment should be done prior to entering the property. Housing Management should compile a full inventory of furniture and personal effects, including photographic evidence illustrating the condition of the belongings / property and should search the property to:

- locate evidence of the existence of living relatives or close friends;
- collect together all personal papers, especially a Will, birth / marriage certificates bank or building society books;
- collect valuable items, including cash, to be kept securely pending a decision as to what should be done with it. If the amount exceeds £50 then the Queen's and Lords Treasurer's Remembrancer should be approached.

If there is no next of kin established, and valuables are noted in the property, then the estate vests in the Crown. The inventory should be sent to the Queen's and Lords Treasurer's Remembrancer (National Ultimus Haeres Unit). The QLTR will then give advice as to what is to be done with belongings.

The contact details for the National Ultimus Haeres Unit are:

National Ultimus Haeres Unit
Procurator Fiscal Office
Cameronian House
3/5 Almada Street
Hamilton
ML3 0HG

Telephone number - 0300 020 4196

Email – NationalUltimusHaeresUnit@copfs.gov.uk

Further information is available at:

<https://www qltr.gov.uk/content/estates-ultimus-haeres>

SUMMARY OF APPENDICES AND PROCEDURES

Appendix 1	Death of a Tenant Notice	Notice to be completed by the next of kin / representative.
Appendix 2	Guidance Notes	To be included with Appendix 3, Appendix 4 & Appendix 6.
Appendix 3	Acknowledgement Notice (where notice is provided)	To be sent when notice has been provided and sent to property / contact address.
Appendix 4	Acknowledgement Notice (where no notice is provide)	To be issued to the property address within two working days of the date that notice was provided and giving a specified timescale for a response.
Appendix 5	Reminder Notice	To be issued within a couple of days of the acknowledgement notice where there has been no response to this letter. The letter to be served to the property address.
Appendix 6	Notice for the Immediate Return of Keys	To be issued where third party information has been provided and the date of death is over fourteen days. The notice should be served to the property address.
Appendix 7	Notice for Immediate Return of Keys	To be issued within a couple of days of the reminder notice / return of keys notice. This notice must notify the date for the recovery of possession.

APPENDIX 1

NOTICE TO INFORM THE ASSOCIATION OF THE DEATH OF A TENANT

I wish to inform the Association of the death of

Name of Deceased Tenant			
Address			
Date of Death		Death Certificate Provided	YES / NO

Name of Next of Kin or Representative		Relationship	
Proof of Identity Provided			
Address			
Contact Details / Instruction			

Name of Executor			
Address			
Contact Details / Instruction			

Personal Effects

I understand that the Association has provided fourteen days from the date of death for the removal of personal effects and furnishings and that if I require additional time then I should contact Housing Management on 0141-950-9052 to discuss an extension to this notice.

I understand that ALL contents must be cleared from the property prior to the keys being returned to the Association and that the tenancy will come to an end when all keys are received at the Association's office.

Should the keys be returned to the Association, and personal effects and / or furnishings found to be left have been left in the property, I hereby authorise Yoker Housing Association to dispose of these items and accept that costs for this service will be charged to the estate.

Name of Representative	
Signature	
Address	
Date	

Witnessed	
Signature	
Address	
Date	

APPENDIX 2

A Guide to Terminating a Tenancy for the Next of Kin / Representative

Ending a Tenancy When Someone Passes Away

We realise that this is a sad and difficult time for you and your family but unfortunately there are things that you, as the next of kin / representative, are required to do in order to ensure that the tenancy is correctly ended. The Association's staff are here to help you and advise you on how to end the tenancy.

We are keen to make this as easy as possible for you and your family and we would be grateful if you would take the time to read through these guidance notes on the tenancy end process.

However, before you or any other member of your family formally ends the tenancy, please make sure that there is no-one that has succession rights to the tenancy. If you are unclear as to who could succeed then please contact Housing Management on 0141-950-9052 immediately as all claims for succession must be submitted to the Association within twenty-eight days of the tenant's death.

Tenancy End Process

Enclosed with this information leaflet is a tenancy end form which should be completed and returned to the Association's office within the next seven days. Along with this form we would ask that you enclose a copy of the death certificate that is needed as part of the tenancy end process. We would also ask that you ensure that you provide the name, address and contact numbers of the person appointed to take responsibility for dealing with the late tenant's affairs.

We understand that family members will require time to make arrangements to remove personal effects and belongings. Housing Management will notify the person dealing with the death that they will be allowed fourteen days from the date of death to return the keys to the Association. However, if keys are required longer than this then you can contact Housing Management to discuss an extension to this arrangement. A maximum of two further weeks may be granted provided the late tenant's estate will cover the rent costs or where relatives will meet the rent costs in advance. **Under no circumstances should you hold onto the keys beyond the two week period without the consent of the Association.**

Contacting Other Agencies

In order to ensure that the process of winding up the late tenant's estate and ending the tenancy go as smoothly as possible, you are advised to arrange to have the mail re-directed to the address of the person taking responsibility for dealing with the late tenant's affairs. If the deceased received benefits, including Housing Benefit, then you should contact the appropriate Benefits Office to advise them of the death. You should also inform other organisations such as the deceased's energy suppliers or telephone / cable / T.V. suppliers.

Leaving the Property

Before returning the keys to the property we would greatly appreciate that the property is left in good condition. Gas, electric and water appliances should be disconnected and made safe using registered tradesmen. If you need further guidance on this then please contact Maintenance Services on 0141-950-9051. Please remove **ALL** personal effects, furnishings, floor coverings, curtains, blinds and white goods. You should also ensure that the property is cleaned once the property has been cleared and any unwanted items should be placed either in the bins or adjacent to the bin shelter. If the property is not cleared or there is any damage to the property not classed as fair wear and tear then we will have to make a charge to the estate to cover the costs involved.

Returning the Keys

Please note that as part of the tenancy end process, all sets of keys for the property must be handed into the Association's office by 12 noon on the date that the tenancy is to end. Please remember that this must be no more than fourteen days after the date of death unless you have made an arrangement with Housing Management.

Payment of Rent

If Housing Benefit is being paid then entitlement to benefit will stop being paid from the Sunday after the date of death. Rent charges will apply until the Association receives keys or gains entry to the property. Housing Management will send the representative dealing with the late tenant's estate a final rent statement after the Association has gained entry to the property. If there is an estate, then we will ask for any tenancy debt to be paid, if there is a credit this will be paid to the estate. However, if there is no estate then the debt will be written off and any credit sent to the next of kin.

Any Other Questions

Yoker Housing Association greatly appreciates your help in carrying out the legal requirements and clearing the property to end the tenancy. We realise that this will be a sad time for you and your family and we are here to assist you in any way we can. We hope that this information leaflet will be of some assistance to you but if you have any other questions relating to ending the tenancy or removing personal effects then please do not hesitate to contact the Association's office where a member of staff will be pleased to help. You can contact us at:

Yoker Housing Association
Housing Management
2310 Dumbarton Road
Yoker
Glasgow
G14 0JS

Telephone: 0141-950-9052
E-mail: housing@yokerha.org.uk

APPENDIX 3

ACKNOWLEDGEMENT LETTER TO NEXT-OF-KIN (where notice has been provided and to be amended according to circumstances)

<date>

<name of next of kin / representative>

<address 1>

<address 2>

<address 3>

<postcode>

Dear <next-of-kin / representative>,

<Property Address>

<We are very sorry to hear that <name of tenant> has passed away and on behalf of Yoker Housing Association I am writing to offer the family our sincere condolences>. <Thank you for notifying the Association of the death of <name of tenant>.

We appreciate that this is a sad and difficult time for you and your family and we are keen to make this process as easy as possible. We have enclosed an end of tenancy form and guidance notes and would ask that you complete the form and return it to the Association's office within seven days. We would also ask that you enclose a copy of the death certificate with the form as part of the tenancy end process.

Please note that you should arrange for the removal of all personal effects, including furnishings, flooring, white goods, foods and rubbish. If we have to remove any unwanted items then we will have to make a charge to the estate to cover the costs involved.

We can confirm that we have commenced fourteen days' notice from the date of death to bring the tenancy to an end and you are required to return the keys to the Association's office on or before the <effective date of termination>. If you require additional time to remove effects or furnishings then you **must** contact Housing Management to request an extension to this date. The date can be extended by a maximum of two further weeks provided the late tenant's estate will cover the rent costs or where relatives will meet the costs in advance.

Thank you for your assistance at this sad time and should you require any further information or assistance in this matter then please contact Housing Management on the above number.

Yours sincerely
Yoker Housing Association Limited

<officer>
Housing Management Services

APPENDIX 4

ACKNOWLEDGEMENT LETTER TO NEXT-OF-KIN (where no notice has been provided and within fourteen days of the date of death. To be amended in accordance with circumstances)

<date>

<name of next of kin / representative>

<address 1>

<address 2>

<address 3>

<postcode>

Dear <next of kin / family>,

<Property Address>

We are very sorry to hear that <name of tenant> has passed away and on behalf of Yoker Housing Association I am writing to offer you and your family our sincere condolences.

We appreciate that it is a sad and difficult time for people when a loved one dies but unfortunately there are processes that the family are required to do in order to make sure that the tenancy is ended correctly.

We are keen to make all your dealings with Yoker Housing Association at this time as easy as possible for the family and we would ask that the next-of-kin, family representative or executor contacts Housing Management on 0141-950-9052 within the next couple of days in order that the tenancy end processes are discussed and necessary documentation can be completed. In the meantime, we have enclosed an end of tenancy form and guidance notes and would ask that you complete the form and return it to the Association's office within seven days. We would also ask that you enclose a copy of the death certificate with the form as part of the tenancy end process.

We can confirm that we have commenced fourteen days' notice from the date of death to bring the tenancy to an end and you are required to return the keys on or before the <effective date of termination>. If you require additional time to remove effects or furnishings then you **must** contact Housing Management to request an extension to this date. The date can be extended by a maximum of two further weeks provided the late tenant's estate will cover the rent costs or where relatives will meet the costs in advance.

Thank you for your assistance at this sad time and should you require any further information or assistance in this matter then please contact Housing Management on the above number.

Yours faithfully
Yoker Housing Association Limited

<officer>
Housing Management Services

APPENDIX 5

REMINDER LETTER TO NEXT-OF-KIN (to be issued where there is no response to initial letters)

<date>

<name of next of kin / representative>

<address 1>

<address 2>

<address 3>

<postcode>

Dear <next-of-kin / representative>,

<Property Address>

We refer to our letter of <date> and we note that you have not contacted the Association to discuss the end of tenancy processes or provide us with details of your arrangements.

We appreciate that this is a sad and difficult time for you and your family and we are keen to make this process as easy as possible but it is important that you contact Housing Management on 0141-950-9052 to discuss tenancy end processes and complete the necessary documentation.

We can confirm that we have commenced fourteen days' notice from the date of death to bring the tenancy to an end and you are required to return the keys on or before the <effective date of termination>. If you require additional time to remove effects or furnishings then you **must** discuss an extension to this date with Housing Management.

Please note that if we fail to establish contact with the next of kin within fourteen days of the date of death then we will have no alternative but to make the necessary arrangements to recover the property and contact the Queen's and Lords Treasurer's Remembrancer for instruction. Any expenses incurred in this process will be charged to the estate.

Yours sincerely

Yoker Housing Association Limited

<officer>

Housing Management Services

APPENDIX 6
FINAL LETTER TO NEXT-OF-KIN (no response to previous two letters)

<date>

<name of next of kin / representative>
<address 1>
<address 2>
<address 3>
<postcode>

Dear <next-of-kin / representative>,

<Property Address>

<We refer to our letters of <date> and <date> and we note that you have not contacted the Association to discuss the end of tenancy processes or provide us with details of your arrangements.

We can confirm that we intend to take repossession of the property on <date>. Any expenses incurred in this process will be charged to the estate.

You are advised that if no next of kin is established then the Queen's and Lords Treasurer's Remembrancer will be contacted for instruction.

Yours sincerely
Yoker Housing Association Limited

<officer>
Housing Management Services

APPENDIX 7
FINAL LETTER TO NEXT-OF-KIN (no response to previous two letters)

<date>

<name of next of kin / representative>

<address 1>

<address 2>

<address 3>

<postcode>

Dear <next-of-kin / representative>,

<Property Address>

<We refer to our letters of <date> and <date> and we note that you have not contacted the Association to discuss the end of tenancy processes or provide us with details of your arrangements.

We can confirm that we intend to take repossession of the property on <date>. Any expenses incurred in this process will be charged to the estate.

You are advised that if no next of kin is established then the Queen's and Lords Treasurer's Remembrancer will be contacted for instruction.

Yours sincerely
Yoker Housing Association Limited

<officer>
Housing Management Services