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Policy:	Death of a Tenant Policy
Legal Requirements:	Housing (Scotland) Act 2001 Housing (Scotland) Act 2010 Housing (Scotland) Act 2014 Homelessness etc. (Scotland) Act 2003 Human Rights Act 1998 Equality Act 2010
Regulatory Standards:	The Scottish Housing Regulator has set out Regulatory Standards for all Registered Social Landlords (RSLs) to ensure that RSLs deliver good outcomes and services for its tenants and service users through good governance and financial management. This policy evidences that the following Regulatory Standards are being met: Standard 5. The RSL conducts its affairs with honesty and integrity.
Notifiable Events Guidance:	In compiling this policy, consideration has been given to the Notifiable Events Guidance issued by the Scottish Housing Regulator and the impact of that guidance on the policy.
Equality and Diversity:	The Association is committed to Equal Opportunities and will endeavour to ensure that all services are carried out in an undiscriminating manner in line with the Association's Equality and Diversity Policy. In particular, the Association will not discriminate on the grounds of age, disability, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender, gender reassignment or sexual orientation.
Human Rights:	In compiling this policy, consideration has been given to "The Right to Adequate Housing" (Fact Sheet No. 21/Rev.1) published by the Office of the United Nations High Commissioner for Human Rights and the impact of that guidance on the policy. In particular, the Association is satisfied that this policy promotes the key aspects of the right to adequate housing – that it contains freedoms; entitlements; provides more than four walls and a roof; and protects against forced evictions.
Complaints:	Although the Association is committed to providing high levels of service, we accept that there may be occasions where customers may not be satisfied with the service they have received. The Association values all complaints and uses this information to improve the services that it provides. The Association's Complaints Policy describes our complaints handling procedure and how to make a complaint.
General Data Protection Regulation (GDPR):	The Association will treat all customers' personal data in line with its obligations under the current data protection regulations and our Privacy Policy. Information regarding how data will be used and the basis for processing data is provided in the Association's Fair Processing Notice.
Policy Author:	Kevin Freeman



Policy Review:	In order to ensure that any change in circumstances is accommodated this policy will be subject to review every three years in the month of May.
Policy Approval:	This policy was last reviewed / approved by the Management Committee of Yoker Housing Association Limited at its meeting held on Thursday the 29th of May 2025.



Statement of Policy Aims / Principles

The aim of this policy is to ensure that our services are relevant and responsive and deal with situations surrounding death in a sympathetic and professional manner.

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 this will be dealt with under the Association's Succession Policy.

This Policy will comply with current legislation, the Scottish Social Housing Charter (SSHC) and good practice and should be read in conjunction with the Dealing with the Death of a Tenant Procedures, Void Management Policy and Succession Policy.

Risk Management

By having a written policy and procedures on dealing with the death of a tenant, the Association is able to ensure that a uniform and professional approach is adopted throughout the organisation and that processes are compliant with legislation and best practice.

The risks associated with not implementing the Death of a Tenant policy include:

- Delays in identifying who qualifies to succeed to a tenancy, which may lead to disputes and the property being untenanted until a successor is identified;
- Misunderstandings or potential legal disputes in cases where there are multiple potential successors to the tenancy;
- Difficulties in dealing with a tenant's personal belongings in cases where it is proves difficult to contact the tenant's next of kin or representative;
- Increased rent arrears; and
- Delays in re-letting properties.

Policy Details

The Association may receive notice of the suspicion of a death or a death from different sources, such as Police Scotland, the Local Authority, a neighbour or a relative. When a tenant has passed away the Association 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 meet the qualifying criteria to succeed the tenancy will be informed that they have no legal entitlement to the tenancy and that failure to vacate the property and remove their belongings will result in court action being initiated to recover the property and reclaim the loss of rental income. In these circumstances, Housing Services will seek legal advice from the Association's solicitor.

Where a person fails to meet the qualifying criteria to succeed the tenancy, Housing Services will encourage that person to apply for re-housing in accordance with the Association's Letting Policy.

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.

Suspicion of Death in the Property

Where the Association has a concern for a tenant's welfare then contact should be made with the police to request assistance. If a death has occurred, the police will lead the investigation and will contact the local Mortuary, the Crown and any next of kin. When investigations are complete the police should forward the keys to the next of kin for the removal of personal effects.

**Policy Details** (Continued)Homicide or Unexplained Death in the Property

- 5 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. 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 the Association.

10 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.

- 15 Where the Association is advised of the death of a tenant by a third party then Housing Services will make all reasonable efforts to establish contact with the person dealing with the death so that the legal position can be confirmed. If an executor has been appointed then they will have the authority to deal with the late tenant's estate.

- 20 Housing Services will notify the person dealing with the late tenant's affairs that they have fourteen days from the date of death to remove personal effects and return the keys to the Association. This period may be extended by agreement between the late tenant's representative and Housing Services provided the late tenant's estate will cover the rent costs or where relatives will meet the costs in advance.

25 No Notice of Death Provided

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 Services must contact Glasgow City Council's Registration Office to obtain an extract of the death certificate and instruct Maintenance Services to arrange a forced entry.

- 30 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 Services should compile a full inventory of furniture and personal effects, including photographic evidence illustrating the condition of the belongings / property.

- 35 If there is no next of kin established then the estate vests in the Crown. Housing Services should contact the Queen's and Lords Treasurer's Remembrancer for instruction.