



ENDING A TENANCY UPON BEREAVEMENT

We appreciate that it is a very difficult time for you and your family, and that there are lots of things to organise when a family member or close friend dies. This leaflet is to provide guidance to families, friends and executors of a Will on how to deal with the ending of a tenancy when someone dies, to help to allay any fears or concerns you may have in taking on the responsibility of the ending of a tenancy, clearing the home and returning the keys to the house.

When a relative or friend has died, we will need to know that you have the legal right to deal with their property, money and possessions (known as their "estate") before we can provide you with access to the property. You can let us know this by providing:

- a Court Grant of Probate or Letters of Administration; or
- a valid Will which names you as the person's representative or executor (you will need to provide proof of your identity); or
- by presenting proof that you are a person (usually a close relative) who is entitled to apply to the Court for a Grant.

The Isle of Man Courts of Justice can provide more information about this; Tel. 687502; email: probate@courts.im;

or

www.courts.im/courtprocedures/willsandprobate/introduction.xml

PLEASE NOTE: This leaflet does not constitute legal advice and personal representatives or relatives of any deceased tenant should take their own legal advice as necessary in relation to their legal obligations relating to any tenancy agreement and for administration of an estate. The leaflet provides general guidance only, and is without prejudice to any rights of the Landlord in respect of the tenancy.

**Contact the Housing Team:
Telephone: 01624 675564
email: admin@onchan.org.im**

JOINT TENANCY

Joint tenancies or if someone else is living in the property: Where a tenancy is held in joint names, the tenancy will automatically pass to the surviving person named on the tenancy.

If a partner or relative is living at the property but is not named on the tenancy then they do not have a legal right to stay in the property. However, in certain circumstances and if they are known to have lived there for a long time, then, subject to their eligibility for housing, it **may** be possible for them to be granted a new tenancy. Please talk to us if you need help and advice on the circumstances where a new tenancy may be granted.

WHAT DO I NEED TO DO

- 1. Let us know as soon as you can:** Please complete and return the Tenancy Surrender Form at the end of this leaflet. This will give us formal notice that your relative or friend has died and that the tenancy needs to be brought to an end. The earlier that you give us notice the better, as we can help you with any queries or problems you may have during the process.
- 2. Emptying the property:** In line with the requirements of the tenancy agreement, you need to make arrangements to empty the property of all furniture, belongings and personal effects as soon as possible.
 - You must disconnect and remove any cooker and washing machine safely. If you are not sure how to do this then book a professional to do it for you. You will need to obtain a Gas Safe registered engineer to disconnect any gas cookers or fires that were owned by the tenant.
 - All belongings, including furniture, carpets (unless we have agreed with you they can stay), any rubbish and any items stored in the loft, must be removed from the property, sheds and garden.
 - The property should be left clean and tidy and in good repair. If there is a garden then you must make sure that it is also cleared and tidy.
 - You need to make sure everyone living in the property, for example a lodger, has moved out - this is a condition of the tenancy known as giving us "vacant possession".



ONCHAN DISTRICT COMMISSIONERS

ENDING TENANCY - BEREAVEMENT Information

PAY ANY OUTSTANDING RENT PAYMENTS OR CHARGES

The liability for rent continues from the date of the death up to the date the keys are returned to us so that the tenancy can be formally ended. Rent will continue to be charged on a weekly basis. You should note that any Social Security benefit payment being paid to your relative or friend for their housing costs will stop from the date of their death.

Any balance of rent or other charges due at the date the keys are returned will be charged to the tenant's estate. A charge may also be made to the estate for any damage caused to the property or for clearing items left behind. The term "Estate" means the total value of the deceased person's money and possessions, from which all outstanding debts must be settled before the balance of their estate can be distributed to beneficiaries.

We will write to you when the tenancy is ended telling you about any money that is owed. You will need to either pay any outstanding amount from the deceased person's estate or produce evidence that they left insufficient money and possessions to meet the debt.

Rent is due weekly on a Monday. You should aim to give us notice of at least one week of the date you intend to return the keys. Keys must be returned to us by 12 noon on the Monday of that week otherwise another full week of rent will be charged. If possible it would be helpful if you would allow us to carry out an 'end of tenancy inspection' of the property during the notice period. This will help us to let the property again more quickly and to give you advice on how the property should be left to prevent any issues arising after you have handed the keys back.

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email: admin@onchan.org.im

OTHER ORGANISATIONS YOU SHOULD TELL

You should take steps to inform the following providers about the death so that any cost and responsibility is terminated as soon as possible:

Phone and satellite TV - You will need to contact the relevant service providers.

TV licensing - You can do this at the Post Office, or online at www.tvlicensing.co.uk

Contact any insurance companies, banks, building societies and all other agencies that the tenant had contact with to close any accounts and check whether there is any income or assets due to the estate.

You will need to notify Isle of Man Treasury department if any Income Support, pension or any other benefit was being paid.

You should contact the section where the claim is based:

Disability Benefit	Tel: 685104
Employed Person's Allowance	Tel: 685092
Income Support (Pensioners)	Tel: 687020
Income Support (Under Pension Age)	Tel: 685094
State Retirement Pensions	Tel: 685176



Cruse Bereavement Care exists to promote the well-being of bereaved people, and to enable anyone bereaved by death to understand their grief and cope with their loss.

Tel: (01624) 668191
Email: info@cruseisleofman.org



Bereavement Care - The Hospice at Home team will remain with the family following the death of a patient for as long as is required.

Tel: (01624) 647449