ENDING A TENANCY AFTER BEREAVEMENT FOR A SOLE TENANCY
Please read through all of the information contained in this leaflet carefully to understand what happens next in this difficult situation.

It is acknowledged that when a loved one dies there are many difficult tasks to deal with which can be both complicated and upsetting.

The purpose of this booklet is to provide you with advice and information in a ‘questions and answers’ format about what to do to end the sole tenancy of a family member, or close friend in the event of their death.

What you should do when a tenant dies will depend on whether the tenant shared their home.

If the tenancy is a joint tenancy, the surviving tenant should contact the Neighbourhood Manager who will advise on transferring the tenancy into their sole name.

📞 01536 410 333
✉️ honadmin@kettering.gov.uk
I am the next of kin to my relative and/or very close friend who has died; it is a council tenancy in the deceased’s sole name. What should I do?

If you are a family member who has lived with the tenant immediately prior to the death for 12 months or more you may be legally entitled to inherit the tenancy. This is known in law as having ‘succession’ rights and is subject to certain conditions including residency.

If you think that you may be eligible to succeed to the tenancy, please contact your Neighbourhood Manager urgently, to establish whether you have succession rights.

My next of kin/friend lived on their own so what happens now?

If the tenant had a sole tenancy, and lived alone or somebody who lived with them in the property does not qualify to succeed, then by law that tenancy has to be ended.

Who can end the tenancy?

When somebody has died, only the executor of the deceased person’s estate (that is the person (s) named in the tenant’s will as legal executor), or alternatively Kettering Borough Council, as landlord can legally end the tenancy.

If you are the executor of the estate, please see Section A.

If there is no executor to the estate, please see Section B.
**Section A**

**I am the executor; tell me more about ending the tenancy**

If you are the named executor of the estate you have the legal entitlement and responsibility to end the tenancy by formally giving notice to end the tenancy. You can do this either by letter or completing a ‘Notice to Quit’ form that can be obtained from one of our Council offices and/or via www.kettering.gov.uk/NTQ.

You can then bring in the Notice together with a copy of the tenant’s death certificate and a copy of the page of the will that names you as the executor.

The ‘Notice to Quit’ form will need to be filled in with the address of the property, the start and end date of the notice period (this will always be a Monday), the name of the tenant and your name, address and contact details. If you are unable to make a copy of the death certificate and the section of the deceased’s will naming you as executor please bring these documents into Kettering Borough Council’s customer service centre and an advisor will be happy to make copies of these for you.

Please note that the length of notice you need to give will be dependent upon how long it will take you to arrange for clearance of items etc. from inside and outside of the deceased’s home and then hand the keys back.

If it is appropriate, an appointment will be made for the Neighbourhood Manager to meet you at the deceased’s home to complete an inspection. They will also be able to answer any questions you may have at this time.

**What should I do with the keys?**

Please return all keys and fobs (if relevant) to Kettering Borough Council. You will be given a receipt, please retain this for your records as proof that you handed the keys in.

If you are the executor, you may return the keys at any time during the notice period. If the keys are returned to us by noon on a Monday we can end the tenancy from the previous Sunday. If the keys are received later than this time the tenancy will be ended from the next Sunday.

Now please read Section C
What happens about the rent?

Please note that if the late tenant was in receipt of Housing Benefit (which can cover all or part of the rent), the Housing Benefit payments will automatically stop from the Monday following the date of their death. This is due to government rules and applies to all state benefits.

The rent will continue to be charged to the tenant’s account until the tenancy is ended.

It will be the responsibility of the executor to settle any outstanding rent from the deceased’s estate. Our rent team can give you further advice and assistance and can be contacted on 01536 410 333.
Section B

There is no will so what happens now?

If the late tenant did not make a will and therefore there is no executor to the estate, please inform the Neighbourhood Management Team of the tenant’s death and provide a copy of the death certificate. If you are unable to make a copy of the death certificate, please bring this into Kettering Borough Council’s Customer Service Centre and an advisor will be happy to make copies of these for you.

Following receipt of this, the Neighbourhood Manager will serve a ‘Landlord’s Notice To Quit’. Please be assured that this is nothing for you to worry about; the ‘Landlord’s Notice to Quit’ is a document which enables Kettering Borough Council, as Landlord to take possession and end the tenancy legally. During the 28 day period the Notice to Quit has been served, as next of kin (either family or friend) you can make arrangements to clear the inside and outside of the property of the deceased’s possessions and then return the keys to Kettering Borough Council.

If it is appropriate, an appointment will be made for the Neighbourhood Manager to meet you at the deceased’s home to complete an inspection. They will also be able to answer any questions you may have at this time.

What should I do with the keys?

Please return all keys and fobs (if relevant) to Kettering Borough Council. You will be given a receipt, please retain this for your records as proof that you handed the keys in.

If a ‘Landlord Notice To Quit’ has been served on the tenancy, you may return the keys to us at any time within the 28 day notice period, however legally we are unable to end the tenancy until the expiry date of the notice.

What happens about the rent?

Please note that if the late tenant was in receipt of Housing Benefit (which can cover all or part of the rent), the Housing Benefit payments will automatically stop from the Monday following the date of their death. This is due to government rules and applies to all state benefits.

The rent will continue to be charged to the tenant’s account until the tenancy is ended. Any rent that is owed will be claimed from the late tenant’s estate.

If there is no estate from which outstanding rent can be paid from, please confirm this in writing as soon as possible.

Now please read Section C
Section C

What items do I need to clear from the property?

Please be aware that if the executor or any other individual already has keys to the late tenant’s property, Kettering Borough Council will not get involved in who can get into the property. However, if no-one has keys to the property, we can only give keys to the person who is the executor.

All furniture and belongings including carpets, curtains and blinds need to be removed from the property. If you feel that you are unable to do this, please speak to a member of the Neighbourhood Management Team. Kettering Borough Council may be able to clear the property, however if there is a will the cost of this may be charged to the estate of the tenant.

Is there anything else that I need to think about?

General advice you could consider is as follows:

- It is advisable to read the gas and electricity meters and give these reading to the energy companies so that they can send a final bill

- Contact Kettering Borough Council to inform the Council Tax Team

- Turn off the water at the stopcock

- Contact bank/building societies

- Contact any other agencies where there are outstanding debts

- Contact any relevant insurance companies

- Arrange removals

Kettering Borough Council hopes that this leaflet has helped you; however should you require any further assistance please do not hesitate to contact the Neighbourhood Management Team on 01536 410 333 who will be happy to advise you further.
CONTACT INFORMATION

Call us: 01536 410333

Email us: honadmin@kettering.gov.uk

Come and see us in one of our Customer Service Centres in
Kettering, Desborough, Rothwell or Burton Latimer

Write to us: Municipal Offices, Bowling Green Road, Kettering, NN15 7QX