

POLICY 1.7 WHEN A RESIDENT DIES

OVERVIEW

This policy outlines how ILV manages the tenancy of a property if a resident dies.

The policy applies to all tenancies managed by ILV (we, us, our).

WORD LIST

Tenancy Tribunal: Relevant state or territory tenancy tribunal as outlined in the applicable residential tenancy legislation. In NSW it is the NSW Civil and Administrative Tribunal as outlined in the Residential Tenancies Act 2010.

POLICY

Sadly, sometimes a resident in one of our properties may die (at the property, in hospital or elsewhere).

We may learn about their death from a Service Provider, another resident, a family member, a friend, neighbour, the police, next-of-kin or the executor of the estate.

This policy outlines:

- Initial actions when we learn about the death of a resident
- Next steps
 - Resident living alone (who had a will)
 - Resident living alone (with no will)
 - Resident living with others (shared tenancy)
 - Resident living with partner/family/friends
- Other household members
- Rent and charges

INITIAL ACTIONS

When we learn about the death of a resident we will:

- Make sure their property is secure
- Check the type of tenancy e.g. sole occupant; shared with another tenant; shared with partner/family/friends and offer support to others living in the property
- Report the death if required (reportable incidents).

NEXT STEPS

The actions we take next will depend on the type of property and whether the resident had a will.

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RESIDENT LIVING ALONE WHO HAD A WILL (SOLE ESTATE OCCUPANT)

We will work with the Executor to get a date when we can take back the property.

If we do not get the property back within 14 days, we may take action through the Tenancy Tribunal.

RESIDENT LIVING ALONE WITH NO WILL (SOLE ESTATE OCCUPANT)

Where the resident did not have a will, we will:

- Try to find out if the resident has any next-of-kin (by speaking with the Police and other organisations working with the resident)
- Advise the Public Trustee, who may take over management of the tenant's affairs in relation to wills, probate and administration of the deceased estate.

RESIDENT LIVING WITH OTHERS -SHARED TENANCY (SDA RESIDENT)

In SDA properties, two or more SDA residents may share a property. Each SDA resident has their own Tenancy Agreement.

The other SDA resident/s can continue to live in the property. We will work to fill the vacancy.

SDA RESIDENT LIVING WITH PARTNER/FAMILY/FRIENDS

Unless the partner/family/friend is also an SDA Resident, we will ask them to leave the SDA property.

We will give 90 days' notice consistent with the applicable residential tenancy legislation.

ILV may work with other occupants to find appropriate alternative accommodation.

If they do not leave the property at the end of the notice period, we may take action in the Tenancy Tribunal.

We will work out the applicable rent which they will continue to pay until they leave the property. In general, this will be the rent the household was paying less the reasonable rent contribution of the former SDA resident.

RENT AND CHARGES

Once we are told about the death of a resident, we will:

- Cancel any automatic rent, household board or other tenancy related charges
- Calculate any rent, household board and tenancy related charges up to the date of death:
 - We will forward any credit to the estate (or Public Trustee) and submit any debit balance to the estate (or Public Trustee) for payment.

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Independent Living Villages Ltd

And Controlled Entities (ILV)



RELATED POLICIES, LEGISLATION OR OTHER RESOURCES

Legislation and Guidelines

- Applicable tenancy legislation
 - Residential Tenancy Act 2010 (NSW)
 - Residential Tenancies Regulation 2019 (NSW)

Policies

- Policy 1.22 Succession of Tenancy

Resources

- Tenanhelp Tenanhelp.com.au (State specific information for tenants)
- Disability Housing Information line 1800 843 929 or email housinginfo@pwd.org.au Information for people living in SDA properties and their supporters

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