Housing Rights

https://www.housingrights.org.uk/landlords/tenancy-issues/tenant-has-passed-away

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Tenant has passed away

This information is for private landlords of properties in Northern Ireland.

If you are a tenant, you can find advice here.

If you are a landlord or letting agent in Northern Ireland seeking advice, you can:

- send a message to Landlord Advice, or
- call 028 90 245 640 (Option 1)

When a tenant passes away, there will be different factors to consider.

If other people live in the property

Other people may have lived with the tenant. If anyone else is named as a tenant on the tenancy agreement:

- the tenancy will pass to the surviving tenants
- there will still be a legally binding agreement with the remaining tenants

This means that you cannot end the tenancy before the end of the fixed term you already agreed with the tenants.

If the occupants are not named on the tenancy agreement, they:

- are not tenants
- may wish to stay on in the property
- cannot be forced to leave the property unless you follow the correct legal process

A solicitor can advise on steps you may take in this situation.

Our mediation service may also be able to help.

If the tenant lived alone

You will need to get in contact with the tenant's personal representative. A personal representative:

- acts as an executor or administrator of an estate when someone dies
- can be a family member of the tenant

Rent will continue to be due on the tenancy until it is surrendered. The personal representative:

- can agree to surrender the tenancy
- may discuss what to do with the tenant's belongings
- may agree that you can enter the property
- can discuss the return of the deposit, less reasonable deductions
- can agree to take over the tenancy

If the personal representative does not agree to surrender the tenancy:

- you will need to serve a Notice to Quit and follow the correct legal process to end the tenancy
- a solicitor can advise on steps you may take in this situation

It is necessary to reach an agreement with the personal representative about:

- entering the property
- storing the tenant’s belongings

You should not:

- relet the property, or
- change the locks, or
- throw away the tenant's belongings

unless the personal representative says you can do this. There is the risk you may be investigated for illegal eviction. Family members may seek redress if you dispose of the tenant’s items without their consent.