

173 Passing Away of Tenant Policy

1. Customer Statement

At Link Wentworth our customers and communities are at the centre of what we do. We are committed to:

- treating our customers with compassion and respect
- communicating clearly so that our customers can make informed decisions
- providing fair service by following the right process
- working openly with customers to find shared solutions
- following all relevant laws and regulations

2. Purpose

This policy outlines how Link Wentworth manages a tenancy after a tenant has passed away.

3. Scope

This policy applies to all Link Wentworth tenants and tenancies.

4. Policy

We take a sensitive but practical approach to managing a tenancy after a tenant has passed away.

Where possible, we work with family members to ensure they understand their legal rights and responsibilities in relation to the tenancy of the deceased person.

Contacting the next of kin/relatives

Where the next of kin is unknown or not yet notified, we liaise with the NSW Police or the Public Trustee to find and notify the next of kin.

No next of kin

Where there is no next of kin or where next of kin cannot be found, we work with the Public Trustee to end the tenancy.

Succession

Where the death of a sole tenant occurs and a recognised household member requests succession of the tenancy, we assess the application according to our Succession Policy.

Where a joint tenant has passed away

Where a joint tenant has passed away, we ask the remaining joint tenant(s) to sign a new Residential Tenancy Agreement with Link Wentworth.

If you are a remaining joint tenant and do not wish to continue the tenancy, you must provide 21 days' written notice of your intention to vacate the property.

Ending the tenancy

Where a sole tenant has passed away, we consult with the next of kin or representatives of the deceased tenant to agree upon the tenancy end date.

A Notice of Termination (NOT) can legally be issued by either Link Wentworth or the legal representative of the deceased tenant.

Vacant possession of the residential premises may be given at any time before the termination date specified in the Notice of Termination. Rent must be paid until the property is vacated and possession returned to Link Wentworth.

Link Wentworth employees are required to perform their duties in accordance with this Policy and related procedures.

This Policy is subject to change at the discretion of Link Wentworth. A breach of any Link Wentworth policy may result in action being taken which may include disciplinary action.

5. Responsibility

Housing Managers/Client Service Officers are responsible for performing their duties in accordance with this policy and related procedures.

Team Leaders and Area Managers are responsible for proactively overseeing compliance with this policy and addressing any non-compliance by their direct reports in a timely manner

Senior and Executive Leaders are responsible for ensuring the policy addresses its purpose, is able to be implemented, and is kept current and approved by the ultimate approving body in accordance with the required review cycle.

6. Definitions

Next of kin - a person's closest living relative or relatives.

Notice of Termination (NOT) is a legal document issued by landlords and tenants to provide notice for the ending of a tenancy agreement.

7. Legislative or other applicable framework

- Residential Tenancies Act (2010)
- Uncollected Goods Act (1995)

8. Complaints and Appeals

A tenant who is not happy with a decision we make or who believes that we have not followed this policy can complain or appeal using the complaints and appeals policies that are available on the Link Wentworth website www.linkwentworth.org.au or by phoning Link Wentworth on 9412 5111.

9. References

- End of Tenancy Policy
- Succession Policy

10. Privacy and confidentiality

Link Wentworth has obligations and responsibilities under its Privacy Policy. Before releasing any information relating to the subject matter of this Policy, first refer to the Link Wentworth Privacy Policy and/or seek guidance from a member of the Executive Leadership Team or Head of Legal.

Approval, policy owner and review frequency

Policy type:	Management Level
Executive Leadership Team owner:	Chief Customer Officer
Business owner:	Head of Tenancy
Ultimate Approval body:	ELT Member
Review Frequency:	Every two years or more frequently if circumstances warrant.

Approved by – Chief Customer Officer