

<b>Administration</b>	<b>Tenant &amp; Housing Services</b>	<b>Board Approved Date:</b>	<b>21-02-24</b>
<b>Policy</b>	<b>Deceased Tenant</b>	<b>Revision Date:</b>	<b>N/A</b>
<b>Policy No.</b>	<b>20-088</b>	<b>Internally Approved Date:</b>	<b>21-02-12</b>
References	Residential Tenancies Act, 2006 Application A2: Application about a Sublet or Assignment. Health and Safety Policy Key Control Policy		
Forms	24 Hour Notice of Entry Emergency Contact Update		

### 1. Policy Statement

DRNPHC will ensure that, should a tenant pass away, that all the requirements set out in *The Residential Tenancies Act* are met while also respecting the sensitivity of the event for staff, family and friends of the deceased.

### 2. Purpose

The purpose of this policy is to provide direction to staff of DRNPHC in the event that a tenant dies while in possession of a rental unit.

### 3. Scope

This policy applies to all maintenance and property management staff, as well as to market and rent-g geared-to-income tenants and others who may occupy the tenant's rental unit.

### 4. Definitions

**Designated staff**

The staff person(s) or department who has been designated to complete a particular action or requirement.

**Next of kin**

The tenant's family or the executor or administrator of the tenant's estate.

**Occupant**

A person who is not a tenant but who lives in the rental unit as their principal residence

**Tenant**

A person who has signed a lease and who enjoys all of the rights and responsibilities of tenancy.

### 5. Procedure

#### a. Sole-person tenancies

In the event that DRNPHC is notified that a tenant has died and they are the sole tenant/occupant in the unit, locks are changed immediately.

Designated staff will contact the next of kin and request verification of death and designation of next of kin. Once received and verified, a key to the unit is provided to the next of kin.

The next of Kin is responsible for the unit for 30 days from date of death. Requests for exceptions will be reviewed by designated staff if they require a longer or shorter time period.

b) Multiple-person tenancies

In the event that DRNPHC is notified that a tenant has passed away, following an appropriate interval, but not exceeding two weeks, designated staff will issue new leases to the remaining tenant(s).

For authorized tenants and occupants remaining in the RGI households, information will be requested to re-assess rent amounts within 2 weeks of discovering a tenant's passing.

In the event that the individuals remaining in the unit are authorized occupants and not tenants of DRNPHC, designated staff will review the relationship between the tenant and the occupant to clarify their right to remain in the unit. If the tenant has a right to remain in the unit, designated staff may invite the occupant(s) to sign a lease for the unit, pending a favourable applicant assessment process.

If the occupant has no right to tenancy or the occupant was not on the lease, DRNPHC will take necessary steps to gain vacant possession of the unit, including:

- Ask the unauthorized occupant to leave the unit
- Apply to the LTB for an order terminating the tenancy and evicting the unauthorized occupant(s)
- If needed, the police will be called support DRNPHC staff in having the unauthorized occupant(s) leave

Under no circumstances will designated staff collect rent from the unauthorized occupants of the rental unit unless a new market rent lease has been signed.

c) Suspicion that a tenant is deceased

If someone indicates that they are concerned about the well-being of a tenant, staff will inform a manager who will attempt to contact the tenant or the emergency contact on file. In the case of emergency or urgency, designated staff will contact the police department for a wellness check. Designated staff will open the unit only under the direction of the police who attend the unit. Staff are not to enter the unit if a person is deceased or suspected to be deceased.

In the event that staff discover that a tenant has died, staff will immediately leave and secure the unit and contact emergency services and DRNPHC senior management.

Designated staff will remain available at the rental unit while emergency services are on-site and will ensure that the unit remains secure at all times.

d) Identifying the tenant

Staff may be asked by police to identify the remains. No DRNPHC staff will be required or expected to perform this task, though staff may be permitted to do so if they wish.

e) Termination of tenancy agreement

The tenancy agreement is terminated 30 days after the death of the tenant. If the date that the tenant died cannot be determined, the tenancy will be terminated 30 days after DRNPHC was notified of the death of the tenant.

The tenant's executor or next of kin is responsible for paying a pro-rated amount of rent for the 30-day period after the death of the tenant. This rental charge may be waived at the discretion of designated staff.

f) Next of kin

Notifying executor/next of kin

Designated staff will provide emergency services with the tenant's emergency contact information (see *Emergency Contact Update* form) if this information is available, and will inform emergency services if it is not.

Designated staff will clarify with emergency services who will be responsible to contact the executor, next of kin, or Office of the Public Guardian and Trustee.

Verification of executor/next of kin

Executor /next of kin is known to DRNPHC

If the tenant's next of kin is known, DRNPHC will verify the identity of the individual by checking government issued photo identification. Designated staff will photocopy the identification provided, will place it in the tenant's file and also document the next of kin's contact information.

Executor /next of kin is unknown to DRNPHC

If the next of kin is identified by emergency services or by the Office of the Public Guardian and Trustee, staff will request documentation which supports their status as executor or next of kin. Acceptable supporting documentation includes, but is not limited to:

- a copy of the tenant's will;
- a sworn affidavit from a lawyer;
- documentation from the Office of the Public Guardian and Trustee;
- a copy of a birth certificate demonstrating a parental relationship;
- Funeral Home Proof of Death Certificate that's indicates next of kin

g) Access to unit by next of kin

Once the coroner and emergency services have finished their investigation, the unit must be secured by changing the locks.

Once acceptable identification has been provided, designated staff will permit the tenant's next of kin to have access to the rental unit and to the residential property for the purpose of removing the tenant's property.

Designated staff will document the name of the next of kin visiting the unit and the date, time, and length of access granted. Access to the unit will be arranged in advance and will take place between 8 a.m. and 8 p.m. from Monday to Friday or at the discretion of designated staff.

h) Disposal of property

Immediate

- Designated staff will provide 24 hours' notice of entry prior to entering the unit. The notice will be delivered to the unit (slipped under or posted on the unit door) and/or as a courtesy to the next of kin, if possible via e-mail.
- After giving 24 hours' notice of entry Designated staff will enter the rental unit within 48 hours or two business days of learning of the tenant's death. They shall remove any unsafe or unhygienic items from the unit in accordance with DRNPHC's *Health and Safety Policy*.
- Designated staff will photograph and document the quantity and nature of items removed from the unit and will place that list in the tenant's file.

At termination of tenancy

- Any property that has not been removed from the rental unit or from elsewhere in the residential complex upon the termination of the lease will be removed by designated staff or as outlined in the RTA.
- Designated staff will photograph and list the quantity and nature of all items that are removed from the unit or elsewhere in the residential complex. The list and photographs will be included in the tenant's file.
- A letter will be sent by DRNPHC to the next of kin with an inventory of the items left in the unit. A copy of this letter shall also be kept in the tenant's file.
- DRNPHC will store all of the tenant's property for a period of six (6) months after the termination of the tenancy unless the next of kin has provided written confirmation to dispose of the belongings.
- During that six-month period, next of kin will be permitted to claim property being stored by DRNPHC.
- After the six-month period has expired, designated staff shall use their discretion to dispose of the property by selling, donating, or discarding it. Designated staff will note what actions are taken with all items.
- Staff will also note the amount of the proceeds from the sale of any property and will apply those proceeds to any outstanding expenses related to the tenancy.
- As an alternate, DRNPHC can dispose of the tenant's property immediately.

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Designated staff will use their discretion to dispose of the property by selling, donating, or discarding it. Designated staff will note what actions are taken with all items and the amounts that items are sold for.

- If, six months from the termination of the tenancy, the tenant's next of kin claim property that has been disposed of, DRNPHC will pay the estate the difference between the proceeds of the sale of the property and DRNPHC's out-of-pocket expenses related to the moving, storing, securing, and selling of the property, as well as any arrears of rent.

End.