



Community Advocacy & Legal Centre

# DEATH OF A TENANT TIP SHEET

August 2016

## **Termination of the Tenancy**

- A tenancy is considered terminated 30 days after the death of tenant

### **If you are the spouse and lived with the deceased person:**

- You have the right to stay in the rental unit
- If you wish to leave the rental unit, the tenancy ends 30 days after the death of the tenant
- If you live in rent-geared-to-income housing, the rules may be different for you. Contact your landlord right away.

### **If you are not a spouse and not a tenant on the lease but lived with the deceased person:**

- You must remove property from the rental unit within 30 days of the date of death of the tenant
- You should make arrangements directly with the landlord to vacate the unit within the 30 days
- You may wish to negotiate a new tenancy with the landlord so that you can stay in the rental unit; put any agreement in writing

## **Property**

- The landlord must keep the deceased tenant's property until the tenancy is terminated (i.e. 30 days after date of death)
- The landlord may dispose of anything that is unsafe or unhygienic before the 30 days are up
- The landlord must give access to the unit to remove the tenant's property. Depending on the circumstances, this access may be given to the estate executor or administrator OR to a family member
- After 30 days, the landlord may sell, keep, or throw out the tenant's property. If the landlord sells the property, he can keep enough money from the sale to cover any unpaid rent and expenses. A family member or the legal representative can claim any excess money from the sale, or any property the landlord kept, within 6 months after the tenant's death.

www.communitylegalcentre.ca

158 George Street, Level 1  
Belleville, ON K8N 3H2  
Tele: (613) 966 8686

Toll Free: 1 877 966 8686  
Fax: (613) 966 6251  
TTY: (613) 966 8714

*Your community legal clinic*