

What happens if a tenant passes away?

There are certain rights under the *Residential Tenancies Act* if a tenant passes away and they were the sole occupant of the residential unit. The landlord is allowed into the apartment to deal with any unsafe items immediately. Anything else belonging to the tenant must be kept safe by the landlord for a minimum of 30 days. The 30 days is to allow the tenant's relatives or legal representative to make arrangements for the tenant's belongings.

The landlord must allow access to a relative or the legal representative to deal with the deceased tenant's belongings.

Note: the rules may be different if the deceased tenant was in rent-geared-to-income or social housing. The housing provider may request an affidavit in that case. Please contact us at CALC for more information on swearing affidavits in regards to the death of a tenant.

After the 30 days have passed, the landlord is allowed to do what they want with the belongings remaining in the rental unit.

The tenancy between the deceased tenant and the landlord is considered terminated 30 days after the deceased tenant's death.

What happens if the landlord sold or kept some of the items?

If the landlord sold some items, they can keep the money to cover any unpaid rent and expenses. If any money is left over, a relative or the legal representative can claim the money for the deceased tenant's estate. However, they have only up till 6 months after the tenant's death to make this claim.

In that case, a relative or the legal representative has until 6 months after the deceased tenant's death to come and claim the items. The landlord must give the items back if they do claim them within the 6 months.

What happens if there was more than one 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 and keep a copy for yourself.**

More Resources:

Further information can be found on Community Legal Education Ontario's (CLEO's) website: <https://www.cleo.on.ca/en/publications/yourstuff/what-happens-if-tenant-dies>

The *Residential Tenancies Act* can be found here:
<https://www.ontario.ca/laws/statute/06r17>