

Management Directive No.:	MB30.
Management Directive Name:	Death of a Tenant
Date Approved by CEO or Designated Person:	October 2006
Date revision approved by CEO or Designated Person:	February 4, 2015 December 2018
Related SOP, Management Directive, Board Policy, Forms	Appendix A - MB30 Death of a Tenant

### Policy Statement

KLH Housing Corp. provides safe, affordable housing in the City of Kawartha Lakes and Haliburton County. This policy describes KLH Housing Corp.'s policy and actions to be taken when a tenant dies and there are no other tenants in the unit. KLH Housing Corp. will ensure compliance with the *Residential Tenancies Act, 2006* regarding the belongings of a deceased tenant.

### Scope:

This Death of a Tenant policy shall apply to all KLH Housing Corp. properties. The policy will identify the role of staff when they become aware of a tenant's death.

### Policy:

KLH Housing Corp. will comply with Sections 91 and 92 of the *Residential Tenancies Act, 2006* (RTA) which sets out rules a Landlord must follow when a tenant dies:

#### Section 91

- (1) If a tenant of a rental unit dies and there are no other tenants of the rental unit, the tenancy shall be deemed to be terminated 30 days after the death of the tenant.

Reasonable access

- (2) The landlord shall, until the tenancy is terminated under subsection (1),
- (a) preserve any tenant property that is in the rental unit or the residential complex other than property that is unsafe or unhygienic; and
  - (b) afford the executor or administrator of the tenant's estate, or if there is no executor or administrator, a member of the tenant's family reasonable

access to the rental unit and the residential complex for the purpose of removing the tenant's property.

Landlord may dispose of property

Section 92

- (1) The landlord may sell, retain for the landlord's own use or otherwise dispose of property of a tenant who has died that is in a rental unit and in the residential complex in which the rental unit is located,
  - (a) if the property is unsafe or unhygienic, immediately; and
  - (b) otherwise, after the tenancy is terminated under section 91
- (2) Subject to subsections (3) and (4), a landlord is not liable to any person for selling, retaining or otherwise disposing of the property of a tenant in accordance with Section 92(1).
- (3) If, within six months after the tenant's death, the executor or administrator of the estate of the tenant or, if there is no executor or administrator, a member of the tenant's family claims any property of the tenant that the landlord has sold, the landlord shall pay to the estate the amount by which the proceeds of sale exceed the sum of,
  - (a) the landlord's reasonable out-of-pocket expenses for moving, storing, securing or selling the property; and
  - (b) any arrears of rent.
- (4) If, within the six-month period after the tenant's death, the executor or administrator of the estate of the tenant or, if there is no executor or administrator, a member of the tenant's family claims any property of the tenant that the landlord has retained for the landlord's own use, the landlord shall return the property to the tenant's estate.

Agreement

- (5) A landlord and the executor or administrator of a deceased tenant's estate may agree to terms other than those set out in this section with regard to the termination of the tenancy and disposal of the tenant's property.

### PROCEDURE:

1. Tenants will be asked to provide KLH Housing Corp. with an emergency contact : 'executor, administrator or next of kin' in the Financial Review Information package at time of acceptance, annually thereafter and whenever changes occur.
2. At Lease signing, the tenant will be reminded that KLH Housing Corp. will call this emergency contact in the event of the tenant's death if they are the sole tenant in the unit.
3. Staff responsible for the computerized input of the tenant's records will ensure that the emergency contact is listed in the system so that it will appear on the Tenant Emergency Listing. (This is a listing of all tenants and their contacts and is used for Tenant Listing, Fire Safety Listing and Emergency Listing for the Emergency Preparedness plan.)
4. Maintenance Administrative staff will ensure that the Tenant Emergency Listing is updated monthly and given to the Facilities Maintenance staff to be placed at each site. For sites without Facility Maintenance rooms, the Tenant Emergency Listing will be located at the nearest site with a Facility Maintenance room. Envelopes with the Release of Goods and Chattels (see Appendix A) will also be kept in the Facility Maintenance room.

The procedure to follow upon a request for a wellness check (possible death) or notification of a tenant's death will depend on whether the wellness request or Notification of Death is received during business hours (8:30-4:30) or after hours and whether or not the Emergency Contact person is present.

### A. Notification received After Hours

5. If ON CALL Management staff receive a call requesting entry into a unit for a wellness check, On Call staff must call the police and meet them at the unit or request maintenance staff to attend. Staff will have the Tenant Emergency Listing with them and an envelope with a Release of Goods and Chattels. The police will direct staff to open the door without a 24 hr notice of entry. (the RTA would consider entry by staff into the unit without a 24 hr notice or without police direction to be an illegal entry.) Police will enter the unit to check on the tenant and will contact other necessary emergency services if required.

The police will contact the coroner if required. Staff is responsible for ensuring that the unit is secured by having the entry doors rekeyed to a 'death lock' when the coroner has finished conducting an inspection of the unit and the body has been removed. A death lock is not keyed to a master; only the death lock key will unlock the door.

If there is no Emergency Contact on file, the police are permitted to take a cursory look through the tenant's belongings. Staff are not permitted to do this. Staff will review the tenant's file on the next business day to determine if any other contact can be made. In the event that there is no contact, staff or police will call the Ministry of the Attorney General, Office of the Public Guardian and Trustee (1.800.366.0335). They will do a search for the next of kin and will also deal with the tenant's estate and belongings.

6. If the Emergency Contact is present when Staff are rekeying the lock, the Emergency Contact must be informed that entry into the unit is not permitted until the Staff: 1. confirm who the Emergency Contact is on file, 2. the ID of the Emergency Contact is verified, 3. the Release of Goods and Chattels form is completed by the Emergency Contact and given to the Staff. Staff will ensure that the completed Release of Goods & Chattel is given to the office staff the next business day.

If the Emergency Contact is not present at the unit when the death lock is put on, staff will tape an envelope to the front door advising that the locks have been changed and requesting that the Emergency Contact call the ON Call housing number noted on the front of the envelop. A Goods and Chattels form will be in the envelope.

If the ON Call Management staff receives a call from the Emergency Contact, they will confirm the ID against the Tenant Emergency Listing and make arrangements for the Emergency Contact to receive a death lock key. Staff will only give the death lock key to the Emergency Contact if Staff is given a completed Release of Goods and Chattels and ID is verified.

### **B. Notification Received During Working Hours**

7. If staff are made aware of a death of a tenant during office hours (8:30am 4:30pm Mon-Fri), staff will immediately ensure that a death lock is put on the unit and office staff will attempt to call the Emergency Contact on file. Maintenance staff will ensure that the death lock key is immediately given to the office staff. The Emergency Contact will need to complete a Release of Goods and Chattels and then be given a key to the death lock by the office staff.

If an Emergency Contact is not on file, staff will call the Police to conduct a cursory look through the tenant's property. Staff will have to provide entry to the police because the death lock is not keyed to their master. If no contact number is located, staff or police will call the Ministry of the Attorney General, Office of the Public Guardian and Trustee (1.800.366.0335).

8. If staff find a tenant dead in the unit after giving legal notice to enter the unit, staff should call 911 and then follow the procedures noted in points above.
9. If there is no Emergency Contact, staff will dispose of any unsafe or unhygienic material or items in the unit.
10. The tenancy is terminated 30 days after the death unless the Emergency Contact and office staff negotiate a different date. The Landlord cannot dispose of any items left in the unit before then end of the 30 days unless the Emergency Contact has signed off noting that all items left in the unit can be assumed by the Landlord.
11. Staff require approval of the Program Supervisor-KLH or designate to dispose of any tenant belongings left in the unit after 30 days. The Program Supervisor-KLH will ensure that documentation is received from the Emergency Contact noting that they do not want any of the items left in the unit after the negotiated termination date.

The Landlord may sell, keep or dispose of any property that has not been removed from the unit. Staff must make an inventory of all items left, take pictures, keep all invoices of costs and receipts. This documentation will be uploaded by the Maintenance Manager or designate to the Tenant's Move Out electronic file. The Emergency Contact has up to six months after the termination date to claim any property that the landlord has removed, retained or sold.

If the Emergency Contact claims the property within the 6 month period, the Landlord is obligated to the following:

- a) If the landlord kept the property- he must return it to the Emergency Contact
- b) If the landlord sold the property-he must return the proceeds from the sale of the property but can subtract any rent and any out of pocket expenses
- c) If the landlord disposed of the property for nothing then the estate cannot reclaim or seek compensation for the property.

No items are to be taken by staff for personal use or sold to a family member.

12. Body fluids can contain biohazards. If these are present, staff will advise those cleaning the unit to take appropriate health and safety precautions and provide names of cleaning companies specializing in providing these cleaning services. If staff becomes responsible for the cleaning, appropriate health and safety precautions will be taken and/or specialized cleaning companies will be hired.

**Revision History:****Proposed Date of Review:** December 2020

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
v1	October 2006	Initial Release	
v2	February 4, 2015		
v3	December 2018	New template format	CEO