

CORNWALL  
HOUSING

# Application to succeed to the tenancy



PART OF THE  
CORSERV GROUP  
A CORNWALL  
COUNCIL COMPANY

[cornwallhousing.org.uk](http://cornwallhousing.org.uk)

# Notes for occupants left in occupation following the death of the tenant.

## What action is needed in the event of the tenant's death?

The person left living at the property or next of kin should inform Cornwall Housing of the death of the tenant by:

- Completing the on-line termination of tenancy form
- Advising the Registrar when registering the death who will then complete a Tell Us Once Notification on line to inform Cornwall Housing and other Government organisations on the tenants death
- Telephoning Cornwall Housing and speaking with the Voids Control team.

And explaining that there is/are occupant/s who have been living at the property.

On receipt of this information the tenancy will be terminated and occupants left in the property will be asked to complete an application to succeed to the tenancy form and return to Cornwall Housing to request the Succession of the tenancy.

**The following information is provided as a guide to occupants rights, however, it does not provide a full explanation of the law.**

## Who is allowed to take over the tenancy on the death of a tenant?

The 1985 Housing Act states that the following people can apply to take over a tenancy, on the death of a tenant:

The deceased tenant's husband / wife or partner or a member of the deceased tenant's family which includes:

- Parents
- Grandparents
- Children
- Brother and sisters
- Uncles and aunts
- Nephews and nieces
- Grandchildren over the age of 16

The above categories include step relations, half relations, illegitimate children and people who are living together as husband and wife.

## Which of the above categories will take priority?

Priority will be given to the tenant's partner, providing he/she has been living with the tenant at the time of the tenant's death and it is his/her only or principle home.

The housing department defines partner as being a husband and wife relationship.

## How long must the successor have lived at the property?

If the successor is not the husband, wife or partner of the deceased tenant, he/she must also be able to prove that he/she has lived with the tenant for 12 months, ending with the date of the tenant's death.

In all cases the successor must be living at the property as his/her only or main home.

## What happens if there are two sons or daughters entitled to succeed to the tenancy?

If there are two or more adult members of the tenant's family entitled to take over the tenancy, they may choose between themselves which one is to be the successor tenant. If no agreement can be reached, the council will decide.

## What happens if the tenancy is Introductory?

Introductory tenancies are granted to all new tenants, unless they have transferred from another council or housing association property. An introductory tenancy is granted for 12 months, before it becomes secure.

For introductory tenants, the same rules of succession apply; however, the tenancy will remain Introductory until the 12-month period has passed. The start of the probationary period is the date when the original tenancy was granted.

## Can the tenancy continue to be passed on as each tenant dies?

No. There is only one legal right to succession. Examples of a succession include:

When the tenant dies, and either their partner or a relative succeeds the tenancy.

In the case of a joint tenancy, when one of the tenants dies, leaving the other tenant living at the property.

If the tenancy has been previously assigned (handed over) from the tenant to a member of their family.

## On succeeding to the tenancy, will the successor be allowed to remain in the property?

In many cases, yes. If they are the tenant's husband, wife or partner, they will not be requested to move to another property. However, if they are another member of the family, Cornwall Housing can ask you to move to alternative accommodation. This may happen if:

- The property is too large for your family, or
- The property is designed or has been altered to make it suitable for a physically disabled person, and that person no longer lives in the property

## How quickly will the council make a decision, regarding my application?

A decision will be made within 28 days.

## Will I know if the council intends to request that I move to an alternative property?

The tenant will be informed at the time of succeeding the tenancy. The council will then complete a housing application and will try to re-house the applicant to a suitable property.

### What will happen if the successor refuses to move?

Cornwall Housing will serve a formal notice between 6 and 12 months after the date of the tenant's death. The case will then be referred to the County Court, which will decide on the future of the tenancy.

### Can anyone who is not the husband/wife or close relative of the tenant succeed to the tenancy?

No. There is no legal right to succession. Lodgers or other people living with the tenant at the time of death will not be considered. However they may apply for a council tenancy and may be eligible to be housed in the property, under the current allocations policy

## Application to succeed to the tenancy

### Personal details

Name:

Address:

Postcode:

Telephone No:

### Property details

Application to succeed the tenancy of:

Address:

Postcode:

Full name of deceased:

Date of death:

### Occupants at the property

Full name	Date of birth	NI number	Date moved into the property

Application to succeed the tenancy made by:

Reason:

Signed:

Print name:

Date:

A decision will be made in 28 days

**Please return the completed form to:**

**Cornwall Housing Ltd, Chy Trevail, Beacon Technology Park, Bodmin PL31 2FR**

Any information given may be retained on computer or in our records. It will be used by Cornwall Housing for the specific purposes for which it was collected and any other relevant purposes including Government anti fraud data matching - especially Benefits, Council Tax NNDR, Housing, Salaries, Employment, Pensions and Members' Allowances. It will not be exchanged or sold to any third party. Anonymous information may be used for statistical purposes.

### Office use only

Has there been a previous succession?

Yes

☐

No

☐

Evidence seen that the applicant has been resident at the property for twelve months prior to the death of the tenant:

### Decision

Grant a tenancy of this property? (If yes, complete and sign paperwork)

Yes

☐

No

☐

Grant a succession of another property due to under occupation?

Yes

☐

No

☐

Refuse the succession?

Yes

☐

No

☐

Reason:

Signed HMO:

Print HMO:

Date:

Please check the Cornwall Housing website  
for updated information for leaseholders

**[www.cornwallhousing.org.uk](http://www.cornwallhousing.org.uk)**

## Contact us

For advice and guidance please email us at:

**[info@cornwallhousing.org.uk](mailto:info@cornwallhousing.org.uk)**

Call us on:

**0300 1234 161**

Text us on:

**07941 712712**

**If you would like this information in another format or language please contact:**

Cornwall Housing Ltd, Chy Trevail, Beacon Technology Park, Bodmin, Cornwall PL31 2FR

e: [communications@cornwallhousing.org.uk](mailto:communications@cornwallhousing.org.uk)

t: 0300 1234 161

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