



Sussex Housing & Care

END OF TENANCY NOTICE

Introduction

A tenancy is a legal contract, and can only be ended in specific ways. If the tenant is alive and has capacity, they may end it by giving the required notice and meeting the conditions explained below. If they are alive but have lost capacity, and have a valid Enduring Power of Attorney or Lasting Power of Attorney, their Deputy may give notice. If the tenant has died, their Executor may give notice. If the tenant has lost capacity and does not have a Deputy, an application must be made to the Court of Protection to end the tenancy. If the tenant has died without making a will and appointing an Executor, then an application must be made to the Office of the Public Guardian to end the tenancy. Many people think that the tenant's next of kin can end the tenancy if they have died or have lost capacity. Unless the next of kin is a Deputy for a tenant who has lost capacity, or is the Executor of a tenant who has died, they do not have the legal power to end the tenancy.

Notice Period

The notice period will be one month or four weeks, depending on what is stated in the tenancy agreement. Rent and service charges are due until the notice has expired, and until the conditions explained below are met. We do not accept backdated notice of ending a tenancy. The notice period begins on the date of the valid notice from the tenant or their executor, or on the date when we receive the notice if the tenant or their executor delays delivery of the notice form to SHC.

Conditions

The property must be returned to the landlord in good condition, clean and ready to let to another tenant. All property and belongings must be removed, and any unauthorised alterations must be remedied. Sussex Housing and Care will inspect the tenancy when we receive notice, and advise the tenant, their Deputy or their Executor if there are any works which need to be done during the notice period. Any repairs or works which are the tenant's responsibility may be recharged to the tenant or their estate if they are not satisfactorily completed.

The Scheme Manager will be happy to advise the tenant, their Deputy or their Executor about ending the tenancy, and can signpost to services such as cleaning or clearance. The Scheme Manager is required to check any Enduring or Lasting Power of Attorney, and the identity of the Deputy or the Executor. The keys must be returned to the Scheme Manager by midday of the date that notice expires, or before this time. Earlier return of the keys does not mean an earlier end to rent and service charges.

If the property is not left in a lettable condition, and/or there are items left in the property, and/or the keys are not returned, the tenancy will continue and rent and service charges will continue to be due from the tenant or from their estate until these conditions are met.

Forwarding Address

We need to have the tenant's new address when they are moving elsewhere.