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EFFECT OF DEATH ON A LEASE AGREEMENT

What is the effect of the death of a tenant on the Lease Agreement?

In terms of the common law, a lease agreement does not automatically terminate upon the death of a party. The executor must make the decision to terminate the lease agreement and the required notice of termination must be given in accordance with the provisions of the lease agreement and the Consumer Protection Act 68 of 2008.

The estate of the deceased party will therefore remain bound by the terms and conditions of the lease agreement unless the lease agreement specifically provides that the lease is cancelled in the event of the death of either party. It is important to note whether such a provision is included in the lease agreement as it can have an impact on the deceased's surviving family and their housing situation. It is therefore advisable to include a clause in the lease agreement addressing termination of the lease upon death of one of the parties in order to avoid confusion and provide clarity in such an event.