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ASK THE EXPERTS

The lettings agent

We rent our home under an assured shorthold tenancy. The landlady recently died, and my bank tells me it is unable to keep paying the standing order for the rent into her account. Her son says he wants us to stay in the property and is in the process of buying out his brother's share. In the interim, should we pay rent to the son and ask for informal receipts or insist that a new contract is drawn up?

A Travers, Suffolk

Although your landlady has died, your tenancy continues under the same terms, without the need to draw up a new agreement. You should contact the solicitor who is handling the estate and request formal instruction, in writing, on payment of the rent. Until you have this, I would advise that monies should not be paid informally to your landlady's son, as he may not be an executor of the will. In most cases, a separate account is set up by the solicitors and the rent is sent to them.

If your tenancy needs to be renewed before the estate is settled, this could be done in the name of the estate and signed by each executor. A new agreement can only be drawn up in the name of your landlady's son once he has acquired legal title to the property. Again, you would need to have formal written proof of this from the solicitor.

✦ *Frank Webster is a director at the Oxford branch of the lettings agency Finders Keepers; finders.co.uk*