453133 - He rented out his house for one year, then it was destroyed in the earthquake. What is he entitled to of the rent?

the question

I own a house, and a tenant came and agreed with me that he would rent the house for one year, paying $100 for each four-month period. So he paid me $300 in return for living in the house for a year. Then the earthquake came and destroyed the house, and the man and his wife died.

My question is: the man lived in the house for two months, then he died, and I had received rent for one year in advance. Do I have to return what remains of that money to his heirs?

Detailed answer

Praise be to Allah.

If someone rents out a house and it is destroyed, the rental contract is annulled for the remaining period, but rent must be paid for the past as agreed.

In *al-Mawsu'ah al-Fiqhiyyah* (7/26) it says: The jurists are agreed that if the rented item is destroyed, then the rental contract is annulled, such as if a specific mount dies or a rented house collapses. End quote.

It says in *ar-Rawd al-Murbi'* (p. 414): The rental contract is annulled if the rented item is destroyed, such as a mount or slave who dies, because the benefit of it is lost entirely.

If the destruction occurs within the rental period, then what remains is annulled but the past rent should be paid. End quote.

So if the tenant had lived in the house for two months out of that year, this is one sixth of the rental period, so one sixth of the rent should be paid, which is fifty dollars. And you must return

the remaining amount to his heirs.

And Allah knows best.