

Abandoned Premises

1. Purpose

The purpose of this policy is to outline Housing Trust's policy regarding abandoned premises and the steps HT will take to determine whether a property is abandoned.

2. Policy Statement

Under the *Residential Tenancies Act 2010* a residential tenancy agreement is terminated if the tenant abandons the premises.

Where it is clear that a property has been abandoned and there are no remaining occupants or goods, Housing Trust will terminate the tenancy and take immediate possession of the premises (locks will be changed) to minimise the financial impact on a tenant.

Where there is some doubt as to whether a tenant has abandoned the premises (e.g. occupants or goods remaining in the premises), Housing Trust will seek termination orders in the NSW Civil & Administrative Tribunal (NCAT) that the tenant has abandoned the premises and orders with respect to the disposal of goods remaining at the property.

3. Investigation of Abandoned Premises

Investigation of possible abandoned properties will be done promptly to ensure financial impacts on tenants and HT are minimised. HT will investigate possible abandoned premises to determine whether the tenant resides at the premises.

A report will be prepared to the General Manager documenting the outcome of the investigation and recommending whether the property is or is not abandoned.

Where, it is suspected or discovered that a tenant may be deceased in the home Housing Trust will immediately contact NSW Police and not enter the premises until it is deemed safe to do so.

4. Occupants remaining in the premises

If a tenant has abandoned the property and the following occurs, Housing Trust will:

- If there are non-tenant residents remaining in occupation after the tenant abandons then S95 requires that the occupants be given 14 days' notice to vacate which will be sought through the tribunal by way of an order
- Seek urgent orders in NCAT declaring that the tenant has abandoned the premises to terminate the tenancy
- Issue a notice to vacate the premises in accordance with the *Residential Tenancies Act 2010 (section 95)*

5. Abandoned goods

If a tenant has left goods in the premises these will be considered abandoned and the Housing Trust will deal with these goods in accordance with the *Residential Tenancies Act 2010*. Housing Trust will seek urgent orders in the NCAT that the premises are abandoned, seeking orders with respect to the disposal of goods.

If an NCAT order is not obtained on abandonment, the normal provisions relating to abandonment of goods apply as per the *Residential Tenancies Act 2010*, namely:

- Perishable goods will be immediately disposed
- Notice will be provided to the tenant that goods will be disposed within 14 days
- Housing Trust will keep a record of goods disposed and may decide to remove & store goods for this 14 day period
- Housing Trust may seek an occupancy fee (daily rate) from the former tenant if the property cannot be re-let during this 14 day period
- Personal papers as defined in section 126 of the *Residential Tenancies Act 2010* will be stored for 90 days