

Abandoned Premises and Goods Policy

Purpose

The purpose of this policy is to outline Housing Trust's approach to managing properties that have been abandoned including abandoned goods left behind in a property.

Scope

This policy applies to all tenants of Housing Trust.

Policy

Social and Affordable Housing is a valuable asset for those in need. Housing Trust maximises the benefit of its resources by ensuring properties are not left vacant.

Where it is determined a tenant has abandoned a property, Housing Trust will take the reasonable steps to terminate the tenancy.

Housing Trust will manage abandoned goods as per the Residential Tenancies Act 2010.

Investigating Abandoned Properties

Housing Trust will investigate suspected abandoned properties to ensure financial impacts on tenants and Housing Trust are minimised and that Housing Trust properties are not left vacant. When determining if a property has been abandoned, Housing Trust will consider the following:

- Non-payment of rent
- Evidence that the tenant is not maintaining the property (overgrown lawns, mail in the mailbox)
- Reports from neighbours that no one is living at the property and/or they saw the tenant moving out
- Water and electricity meter readings
- No response from the tenant to phone calls, letters and/or notes left at the property by Housing Trust
- Photographs showing the property has been vacated such as no furniture or signs of someone living there

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

Seeking Possession of Abandoned Premises

If it is clear that a property has been abandoned, the Residential Tenancy Agreement is considered to be terminated and Housing Trust will take possession of the Property.

If Housing Trust is not certain that a tenant has abandoned a property, an immediate application will be made to the NSW Civil & Administrative Tribunal (NCAT), seeking an order for termination of the Tenancy Agreement and possession of the property, in accordance with Section 106 of the Residential Tenancies Act (the Act).

Housing Trust also has the right to seek an order through NCAT for compensation for loss of rental income, property damage and cleaning costs, including removal of goods, as applicable.

Goods Remaining in the Premises

If goods remain at the property after Housing Trust has obtained possession of the property (via tenant relinquishment or Housing Trust taking possession of the property) they will be considered abandoned and Housing Trust will deal with these goods in accordance with the Residential Tenancies Act 2010.

If Housing Trust has sought NCAT orders that the property is abandoned, the orders will also include disposal of goods.

If a NCAT order is not obtained, the normal provisions relating to abandonment of goods apply as per the Residential Tenancies Act 2010 as follows:

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

Occupants Remaining in the Premises

If a tenant has abandoned the property and there are occupants still residing at the premises Housing Trust will:

- Issue the occupant/s with fourteen (14) days' notice as per Section 95 of the Residential Tenancies Act 2010
- Assess any application for succession of tenancy within seven (7) days of receipt
- Apply to the NCAT for possession of the premises if the occupant/s fail to vacate or are declined succession
- With the occupants consent, make appropriate referrals to assist the occupant in gaining alternative housing

Reference or Related Documents

Internal

Policy

1. Succession Policy
2. End of Tenancy Policy
3. Privacy Policy

Procedure:

1. Abandoned Premises and Goods Procedure

External

1. Residential Tenancies Act 2010

Policy Version Control

Version	Details of Improvements	Release Date	Approval/Release Details
V 1.0	Original Policy - Abandoned Premises Policy	20.09.2016	Approved for release by GM:C&C
V 2.0	Review and update of Policy in line with current business practices and to ensure a more streamlined response. Renamed Policy: Abandoned Premises and Goods Policy Reviewed and endorsed by Tenant Advisory Group (TAG) on 14.08.2019 and Executive Leadership Team (ELT).	19.08.2019	Approved for release by Amanda Winks Chief Housing Officer