

Abandoned Premises and Uncollected Goods Policy

Purpose

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

Scope

This Policy applies to all tenants and premises 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, in accordance with the terms of the Residential Tenancies Act 2010 that a tenant has abandoned a property, Housing Trust will take the reasonable steps to terminate the tenancy.

Housing Trust will manage uncollected goods as per the Uncollected Goods Act 1995.

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 vacant. When determining if a property is 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
- Police confirmation after a Welfare Check has been conducted

In cases where it is discovered or suspected 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 as advised by the relevant authorities.

Seeking Possession of Abandoned Premises

If it is clear that a property is 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 is 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 the Residential Tenancies Act (the Act).

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

Where it has been established that a tenant is deceased, Housing Trust will act in accordance with its *Death of a Tenant Policy*.

Goods Remaining in the Premises

Goods may become “uncollected” if they are left or abandoned with someone who is not the owner, or if they are lost. In residential settings, goods only become uncollected after a tenancy agreement has ended. If there is no agreement, such as goods left on common property, goods are only ‘uncollected’ if the person who has them reasonably believes that they have been abandoned.

Goods become uncollected when the owner does not collect them as agreed. They may also become uncollected if the person in possession of the goods cannot deliver them to the owner, for example because they cannot trace or communicate with them.

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 uncollected and Housing Trust will deal with these goods in accordance with the Residential Tenancies Act 2010 and the Uncollected Goods Act.

Provisions relating to uncollected goods apply as per the Uncollected Goods Act as follows:

- Notice will be provided to the tenant that goods will be disposed of within the appropriate time frames set out in the below schedule:

Type of goods	Manner of Notice	Notice Period	Manner of disposal
Rubbish and perishables	Not required	Not required	Any appropriate Manner
Personal Documents	Written	28 Days	Return to author or securely destroy
Other goods less than \$1000	Verbal or written	14 Days	Any appropriate manner
Other goods between \$1000 & \$20,000	Written	28 Days	Public Auction or Private sale for a fair value
Other goods over \$20,000	In accordance with Tribunal	In accordance with Tribunal	In accordance with Tribunal

- Housing Trust will keep a record of disposed goods and may remove and store goods in accordance with the appropriate time frames as set by the Uncollected Goods Act.
- Personal documents are defined in Section 22A of the Uncollected Good Act.
- Housing Trust will seek costs for any removing, storing, maintaining or insuring goods whilst held in their possession.
- Housing Trust can sell any items deemed valuable to re-coop any costs owing for the removal, storage, maintenance or insurance of these goods.

Disputes

The NCAT has jurisdiction relating to the Uncollected Goods Act and should be contacted for more information if there is a dispute.

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
4. Death of a Tenant Policy

Procedure:

1. Abandoned Premises and Goods Procedure

External

1. Residential Tenancies Act 2010
2. Uncollected Goods Act 1995
3. NSW Fair Trading -

<https://www.fairtrading.nsw.gov.au/trades-and-businesses/business-essentials/selling-goods-and-services/uncollected-goods>

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
V 3.0	Review and updated in line with Legislation. Residential Tenancies Act no longer refers to abandoned goods. They are now referred to uncollected goods under the Uncollected Goods Act 1995. Renamed Policy: Abandoned Premises and Uncollected Goods Policy Reviewed and endorsed by the Executive Leadership Team (ELT) on 24.08.2020	04.09.2020	Approved for release by Amanda Winks Chief Operations Officer