



## Abandoned Property Policy

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### Purpose

To outline the legal responsibilities of staff who manage abandoned properties on behalf of Advance Housing (AHL).

To outline requirements relating to the storage and disposal of tenant goods which have been left at a property.

### Scope

This policy applies to all tenancies managed by AHL, including social housing, affordable housing, transitional housing and supported housing tenancies.

### Policy Statement

Where Advance Housing Ltd has 'reasonable grounds' to believe that a tenant has abandoned a property, Advance Housing Ltd will take the necessary steps in accordance with Section 77-78 of the Residential Tenancies Act 1987 to secure the property and gain possession.

'Reasonable grounds' means the tenant has failed to pay rent under the tenancy agreement and at least one of the following has occurred:

- uncollected mail, newspapers or other material at the premises;
- reports from neighbours of the tenant indicating the tenant has abandoned the premises;
- absence of household goods at the premises; or
- disconnection of services such as gas, electricity and telephone to the premises.

To terminate the tenancy for abandonment there are two options:

1. Issue Form 12 - Notice to tenant of abandonment of premises and deliver to the premises and the tenant's last known place of employment. (If you do not need to secure the property and only want to terminate the tenancy, you are not required to issue the Form 12 first). Issue a second notice, Form 13 - Notice to tenant of termination if premises abandoned to the tenant advising you suspect the premises have been abandoned and if the tenant does not respond or dispute the notice within seven days the tenancy agreement will be terminated; or
2. Apply to the nearest [Magistrates Court](#) for an order declaring the premises have been abandoned.

If there is any doubt, a court order is the recommended option to pursue as the tenant can challenge the notice of termination for loss or expenses through the Magistrates Court within 28 days after the notice was given.

Advance Housing Ltd may seek compensation for losses incurred as a result of a property being abandoned e.g. loss of rent.

### Abandoned Goods

For all Residential Tenancy Agreements, actions to deal with abandoned goods shall be in accordance with Section 79 of the *Residential Tenancy Act 1987*.

If a tenant leaves abandoned goods at a property, Advance Housing Ltd will in the first instance try to make contact with the tenant to have her/him remove the goods. Failing this, the following shall apply:

- a. Perishable or hazardous goods, such as food, will be disposed of after two days, unless the hazard is of an urgent threat, in which case disposal will be immediate.
- b. Goods of little or no monetary value. If the estimated cost of the goods is of no value, Advance Housing Ltd will dispose of the goods. If the goods do have an estimated value, but it is less than what it would cost to remove, store and sell them at public auction, Advance Housing Ltd will seek an Indemnity Certificate from the Department of Commerce before disposing of the goods.
- c. Goods of higher value and tenant documents. Advance Housing Ltd will store the goods in a safe place and manner for at least 60 days. Within the first seven days of that period, Advance Housing Ltd will notify the former tenant in writing (where a forwarding address has been given) and have a notice published in a newspaper, which circulates generally throughout the region.

A tenant who has a lawful right to goods removed and stored may reclaim them within the 60 days, or after that time if they remain unsold, and pay ADVANCE HOUSING LTD for reasonable removal and storage costs.

Goods not claimed within 60 days will be sold at public auction. On application to a court, ADVANCE HOUSING LTD may make a claim for payment from the money deposited for tenant liability owed under the former tenancy agreement. The balance will be paid into the Rental Accommodation Fund.

## Responsibilities

It is the responsibility of:

**Employees** to ensure they comply with this policy.

**Employees** to identify and report potential issues to Management.

**Employees with related tasks** to ensure they have a comprehensive understanding of this Policy, related Legislation and Documents as it relates to their roles.

**Team Leaders and Management** to oversee compliance, monitoring and review of this Policy.

## Related Legislation and Documents

[Privacy Act 1988](#)

[Residential Tenancies Act 1987](#)

[Housing Authority Rental Policy Manual](#)

[Risk Management Policy](#)

## Approval and Review Details

Approval and Review	Details
Approval Authority	CEO
Administrator(s) – overall responsibility for compliance, monitoring & review	Housing Services Manager
Next Review Date	December 2023

## Policy History

Review Date	Doc. Version	Details	Reviewed by	Date Approved
[DATE]	1.0	[RECORD REASON/DETAILS OF POLICY REVIEW]	[NAME + POSITION]	MAY 2012
15/11/2019	2.0	DUE FOR REVIEW – FORMAT AMENDED TO AHL STANDARD POLICY TEMPLATE. RELATED LEGISLATION AND DOCUMENTS UPDATED. RESIDENTIAL TENANCIES ACT PROCESS INFORMATION ADDED.	TAMARA BELFIELD – HOUSING SERVICES MANAGER	
06/12/2021	2.1	DUE FOR REVIEW – MINOR FORMATTING CHANGES	TAMARA BELFIELD – HOUSING SERVICES MANAGER	DECEMBER 2021