

Abandoned properties Policy

Policy Statement

Some tenants surrender their tenancy through abandonment. If they do, we must ensure that the tenancy is ended correctly and the property re-let as quickly as possible.

Identifying abandoned properties

Dealing with abandonment or suspected abandonment is not straightforward. It is important to protect both Bron Afon and our tenants by not inadvertently evicting someone unlawfully, when recovering possession of an "abandoned" property.

Tenants can be absent from their homes for a number of reasons including:

- Looking after a sick relative or friend.
- In prison.
- In hospital or residential accommodation.
- Visiting abroad.
- Undertaking an approved training course.

If we repossess a property believed to be abandoned where there is still an assured tenancy in existence, we will be liable to:

- Pay damages for breach of contract or statutory damages for unlawful eviction under Sections 27 and 28 of the Housing Act 1988.
- Criminal prosecution for unlawful eviction and/or harassment. (but not if we believed and had reasonable cause to believe they no longer lived there)
- A claim under the Human Rights Act 1998.

If a tenant regards the property as their main home and intends to return, the property is not abandoned and they still have security of tenure.

If a tenant leaves, but leaves another person in occupation of the property, we cannot assume the tenancy has been abandoned. In such a case, we will have to decide whether the tenant intends to return. If the property is no longer the tenant's main home, we may give the tenant notice to quit.

All staff in the course of their duties will be alert to properties that have the appearance of being empty. They will carry out rigorous checks on identified properties to establish if they have been abandoned. Attempts will be made to make contact with the tenant or family members and last known address(es) will be approached.

Once we have carried out these checks and are satisfied that the property is abandoned, we will repossess the property by forcing entry. No notice needs to be served as a tenant who has abandoned, has terminated their tenancy.

Storing belongings

If we repossess a property which we believe to be abandoned, any personal belongings left will be photographed and recorded in an inventory. Photographs will also be taken of any significant damage to the property, including outbuildings such as a garage or garden shed.

Bron Afon accepts no responsibility for anything left at the property. Former tenants will be responsible for the cost of storage of items left behind even though the tenancy has ended. If we store these items we can recover the storage and removal costs from the tenant.

We will store anything left behind for a minimum of 7 days. The former tenant agrees to authorise Bron Afon to dispose of anything left behind after it has been in storage for 7 days and to use the proceeds of disposal to pay for storage and removal costs incurred.

If we have a means of contacting the former tenant, we will contact them before disposing of the items to ask them to collect them.

The costs of disposing the belongings (which will be charged to the former tenant) will be based on the following:

- The cost of moving the belongings from the property.
- The cost for disposing of any belongings.

- Any rechargeable repairs arising from the abandoned property.
- Any rent arrears.
- Any legal or other costs.

The charges will start from the first day following the date that we regain possession of the property.