

2.4.3 Abandoned Properties & Uncollected Goods



Preamble

Women's Housing Company (WHC) is a community housing association as part of the social housing system in NSW. WHC provides long term housing for single women and medium term housing through support partnerships.

WHC aims to be transparent in all its decisions and to act in a fair manner at all times.

WHC acts in accordance with the understanding that housing is a valuable and highly demanded resource. We need to make sure that properties are not left vacant for long periods of time.

WHC guarantees the following of all landlord responsibilities as stated in the NSW Residential Tenancy Act 1987.

POLICY

If Women's Housing Company Ltd establishes that a **property has been abandoned**, WHC will recover possession through an order by the CTTT, Consumer Trader and Tenancy Tribunal.

For vacant properties which are left with **abandoned or uncollected goods**, and these properties:

- have been terminated and vacated by the tenant, OR
- an order for possession of the property to WHC has been issued by the CTTT, OR
- are established to be abandoned properties and a possession date has been established by the CTTT
- are considered terminated due to the sole tenant passing away

WHC will assess and value the abandoned goods.

Abandoned goods are goods other than rubbish and perishables which will be disposed of.

If the value of the abandoned goods is greater than the cost of removing, storing and selling them, the goods will be removed and stored for 30 days.

In cases of the tenant passing away, WHC will make every effort to liaise with the tenant's family, or the executor of the estate, to arrange for the collection of goods following the death of the tenant who was the sole occupant of a dwelling.

PROCEDURE

Abandoned Property

If Women's Housing Company is advised or believes a property to be abandoned the following procedures are followed.

- WHC will issue a letter giving 7 days (+4 days postage) notice to inspect the property.
- WHC will check the tenant's rent account for the most recent rent payment.
- WHC will try and contact the tenant by telephone.
- WHC will contact neighbours and ask if they have seen the tenant over the past few weeks or seen them vacating.
- WHC will contact emergency contacts listed on the tenant's file.
- WHC will contact the electricity company to check if the property still has power connected.
- WHC will contact Centrelink or the employer to check if the tenant is still registered at the WHC address (this information may only be sought if authority to do so is on file).

Women's Housing Company will inspect the property as per notification. Two WHC workers will attend.

In cases where the tenancy is facilitated as part of a support partnership, the support agency is permitted to enter if accompanied by police.

At the inspection access will be gained using the office set of keys only after every attempt has been made to ensure the tenant is not home i.e. ringing the bell, knocking on the door and phoning the home number, if it is still connected.

The housing workers will inspect the property and will note down any repairs and cleaning required and will take a list of any belongings or rubbish left in the unit. The workers will take photographs of all belongings and any notable items for repair. This includes goods considered without value in case of later disputes.

If the housing workers are satisfied the unit has been abandoned, they will apply for an order from the CTTT seeking vacant possession. The tenancy will be terminated by the housing worker on the TMS database to the day before vacant possession has been granted.

Once vacant possession has been granted the housing worker arranges to dispose of any perishable and low value items will be destroyed and / or disposed of. The housing worker will arrange to prepare the property for re-letting.

If any abandoned goods with value have been identified the same process is followed as for abandoned goods at end of tenancy.

Date developed: 1/1/06

Date/s policy was ratified and/or changed by Board: 28/8/07

Note: Procedures are designed to guide the implementation of a policy and will be updated on a regular basis as part of ongoing best practice service improvement.

End of tenancy & Abandoned Goods

At the end of a tenancy the housing worker conducts an **exit inspection, see 2.4.6**. If goods remain in the property the housing worker makes a detailed list of the goods left and the condition of those goods. They will take photographs of all goods remaining.

Any perishable foodstuffs will be arranged to be removed and disposed.

If WHC estimate that the combined value of all the goods is less than the cost of removing, storing and selling them, all goods will be disposed of.

WHC may engage a valuer to help make this judgment if considered necessary, the Senior Housing Manager will be asked for direction in such cases.

If the value of the goods is greater than the cost of removing, storing and selling them, the goods will be removed and stored.

If it is obvious that an item is on hire, the company who owns it will be notified and arrangements made to collect it.

Within 7 days of the goods being removed from the home, WHC will give written notice to the tenant that the goods are in storage. This notice will be sent to the tenant's last known forwarding address or to another person nominated by the tenant. The notice will also be published in a newspaper circulated throughout NSW.

This notice needs to include the following:

- the landlord's name and address, or an address where the goods can be claimed
- the tenant's name
- the address of the rented premises
- a description of the goods
- a statement that, on or after a specified date, the goods will be sold by public auction unless they are first claimed, and the reasonable costs of removal and storage, but not other costs (eg. outstanding rent), are paid
- a statement that the landlord will retain the reasonable costs of removal, storage and sale from the proceeds of the auction.

Once the goods have been stored for 30 days, WHC may sell the goods at public auction. The proceeds from the auction will be used to pay for the cost of removing, storing and selling the goods. If there is any money left over, it is credited to the tenant's rental account.

Under no circumstances will any abandoned goods be given or sold to an employee of WHC, their relatives, friends, or agents.

Date developed: 1/1/06

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Claiming uncollected goods

The former tenant can claim and collect the goods while they are in storage. The former tenant must pay the cost of removing and storing the goods.

The former tenant may claim selected items in storage and leave others. If the value of the unclaimed items will cover the costs of removal, storage and sale of all the items, the tenant does not need to pay the cost of removal and storage of the selected items.

The above process will not apply if the collective value of the goods is regarded as highly valuable.

In such cases the Senior Housing Manager needs to be consulted and WHC will lodge an application with the CTTT, seeking an order as to the disposal or sale of the stored goods. This is done to protect WHC against any future claims.

Once the abandoned goods have been advertised by public notice and no-one has come to collect the goods, WHC will auction these off following the steps below.

The company used:

Combined Auctions

34 – 38 McEvoy St, Waterloo NSW 2017

Ph 8399 2266

Auctioneer for household goods, John Swanton (may change)

The company receives 17.4% commission (may change). If items do not sell due to lack of commercial value, the worker can choose a contractor to dispose of them.

- Contact Auctioneer and arrange a time for him to view the goods.
- Auctioneer will identify items with and without obvious commercial value.
- Auctions are held every second Thursday (may change).
- Arrange with Auctioneer how the goods with commercial value will be transported to the auction house (may be cheaper to arrange a contractor).
- Inform finance team prior to auction about the potential income and the relevant ex-tenant.
- Follow up with Auctioneer after the auction what has been sold and what hasn't. If some items are held over for future auctions we need to keep track of this as the money must be credited to the respective ex-tenant.
- For all goods sold the auction house will forward a cheque minus commission to WHC.
- Ensure that TMS notes are detailed to allow finances to work out what is happening.
- Any paperwork received from the auction house must be filed in ex-tenant file (copies are fine in case finance team needs the originals).

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