



## **ABANDONMENT POLICY**

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## **Contents**

- 1.0 Statement**
- 2.0 Aims**
- 3.0 Introduction**
- 4.0 Enforcement**
- 5.0 Next Steps**
- 6.0 Legislation**

# ABANDONMENT POLICY

## 1.0 Statement

Radcliffe Housing Society (RHS) will ensure that:

- We make best use of our homes
- Abandonment of a property is identified and acted upon promptly
- We make every effort to minimise any rent loss resulting from abandoned properties

## 2.0 Aims

2.1 The aim of this policy is to identify and provide the actions we will take when a property is suspected to be abandoned. This Policy covers the following occupancy agreements:

- Assured (non-shorthold), Secure (periodic tenancies)
- Assured Shorthold, fixed term, Starter (non-periodic tenancies)
- Licences

2.2 This Policy does not cover homeowners (Leasehold)

## 3.0 Introduction

3.1 A home is abandoned when it appears to be left intentionally and permanently without telling us and the occupier has no intention to return and nobody else is living there

3.2 It is a key principle when holding a tenancy that the property is the tenant's only or principal home. Failure to apply this means the tenant will be in breach of their tenancy conditions, which can result in them losing their tenure.

3.3 We will consider if the tenancy conditions have been breached if the tenant has been away from the home for four weeks without telling us, and the evidence confirmed there is no intention to return home.

## 4.0 Enforcement

4.1 Before taking repossession of an abandoned property every attempt will be made by RHS to satisfy itself that the property is unoccupied and that the tenant has no intentions of re-occupying it. We will make reasonable enquiries, for example of family, neighbours, employers, police, local authority, schools etc to establish if the tenant has abandoned the tenancy. Our efforts may include:

- Visiting the property for signs of abandonment
- Checking whether you have contacted us to let us know you'll be away
- Speak with neighbours to determine when the tenant was last seen
- Check the rent account for the last payment made. If Housing Benefit is paid directly to RHS, check with the local authority if there has been a change of the tenant's circumstances, they are aware of
- Check when the last repair was requested or carried out

# ABANDONMENT POLICY

- Investigate with statutory authorities and third-party agencies i.e. Local Council, hospitals, police, Experian
- Contact the next of kin and any other contacts we have available

4.2 The Tenancy Services Officer (TSO) will initially visit the property, delivering a letter stating they believe the property to be abandoned, and asking the tenant to make contact within seven days.

4.3 Once the seven days have elapsed, we will deliver a Notice of Termination or Notice to Quit, to the property

4.4 If we are contacted by the resident and we are completely satisfied with evidence provided to us that the property is **not** abandoned, we will suspend any enforcement action.

4.5 If the TSO has reasonable grounds for believing a property has been abandoned and is in danger from vandalism, gas safety or water penetration, the TSO will seek approval from the Operations Director to authorise a force entry of the property to make it secure.

4.6 Where there is increased risk, any proposed forced entry should be notified to the local Police in advance advising our concerns and two staff members should be present with a contractor at all times, until the property is secured.

4.7 If there is no response from the resident and we have secured the property, we will seek possession of the home. Our actions depend on the tenancy agreement, as outlined below:

Type of tenancy	Legal action
Assured/ Secure tenancy or License (not excluded from Protection from Eviction Act 1977)	Serve: <ul style="list-style-type: none"> <li>• Notice to Quit, and</li> <li>• Notice of seeking possession “without prejudice to Notice to Quit dated xxx”</li> </ul>
Assured Shorthold or starter tenancy	Serve: <ul style="list-style-type: none"> <li>• Section 21 notice</li> </ul> Seek advice from Legal if there’s a need to also serve: <ul style="list-style-type: none"> <li>• Notice of seeking possession</li> </ul>
Fixed term tenancy	Serve one or all: <ul style="list-style-type: none"> <li>• Notice to forfeit your tenancy under section 146 of the Law of Property Act (1925)</li> <li>• Section 21 notice (if nearing the end of the fixed term)</li> </ul>

4.8 We will serve the relevant notices listed in 4.7 above using all the following methods, by hand, email and to your home

# ABANDONMENT POLICY

- 4.9. We'll end the tenancy when either the Notice period expires, and we're satisfied the property is empty or when a Court makes a possession order **and** the date for possession has passed.
- 4.10 When we take possession of the home, we'll prepare an inventory and take photographs. If belongings are left in the home, we will take reasonable steps to continue contacting to trace the tenant. We'll serve a TORT Notice to give the resident a timeframe to contact us and collect the belongings. Failure to do so, will result in items being disposed.

## 5.0 Next Steps

Following the above steps taken, our Empty Homes procedure will begin, to re-let the home

## 6.0 Legislation

- Localism Act 2011
- Housing Act 1985, 1999 & 2004
- Landlord & Tenant Act 1985
- ASB Crime & Policing Act 2014
- TORTs (Interference with Goods) Act 1977