



ABANDONED PROPERTIES POLICY (2015)

1.0 INTRODUCTION

This policy is compiled in accordance with the procedure outlined in the Housing (Scotland) Act 2001, particularly Sections 17- 21 and the Scottish Secure Tenancies (Abandoned Property) Order 2002.

2.0 POLICY STATEMENT

- 2.1. The Association will endeavour to identify abandoned properties at the earliest possible stage.
- 2.2. A property will not be treated as abandoned until the Association is satisfied that all appropriate checks have been carried out (**see Appendix 1 attached**).
- 2.3. In the event that attempts to contact the tenant reveal that the tenant has died, reference should be made to the Succession Policy and the procedure on dealing with the Death of a Tenant.
- 2.4. Once it has been established that the property may be abandoned, the Housing Services Officer will decide if the property or surrounding properties are at risk, for example from vandalism, weather or frost damage, and if so an emergency forced entry will be arranged. The Police will be invited to be in attendance. A lock change will be necessary following any forced entry. Details of where new keys can be obtained will be attached to the door of the property. Details will also be provided to the Local Authority's out-of-hours homelessness service. If the property is not considered to be at risk, no forced entry will be made at this time. In all cases, the appropriate abandonment notice will be served (see below)
- 2.5. An Abandonment Notice (**see Appendix 2 attached**) will be served. This gives the tenant 4 weeks to respond to the Association and to confirm, in writing, that it is their intention to occupy the house as their only or principal home. Notices will be served separately on each joint tenant. Housing Services will advise Technical Services that the Abandonment Notice has been served
- 2.6. If no contact is made within the 4 week period, the Association will proceed by serving a further notice (**see Appendix 3 attached**) bringing the tenancy to an end immediately.
- 2.7. At any time – either in advance of, or after, termination of the tenancy, when entry is gained an inventory of all home contents (if any) will be taken by one and witnessed by one other member of staff. The tenant will be notified in writing at their last known address that the property is available for uplift within a specified timescale on payment of the cost of storage and delivery (**see Appendix 4**

attached). On all occasions photographs should also be taken to show the condition of items. These photographs should show the date they were taken by means of the digital camera settings.

- 2.8. As required by the Scottish Secure Tenancies (Abandoned Property) Order 2002 we will take into our possession and safekeeping any property found within the house and return it to the tenant on payment of any sums due to us by the tenant, including rent arrears, rechargeable repair costs, forced entry costs and the costs of storage, if the following condition is met:

This property must be, in the opinion of the Head of Customer Services or Assistant Housing Services Manager, capable of being sold at the end of the 6 month storage period for at least the costs of storage and any rent arrears due by the tenant.

- 2.9 The high costs of removal and storage, and the low value of items at disposal means that only very rarely will items be removed and stored. If items are stored, this must be at a facility within the Association's safekeeping and control, or with a contractor approved for storage, providing safe, secure storage and insurance during the period of storage.
- 2.10 Any property, the value of which would not exceed the costs as set out at above, will be disposed of immediately. This decision may be taken by the Housing Services Officer responsible for managing the tenancy. The Officer should consider whether furniture, which may have minimal resale value, would be of value to community based furniture recycling and reuse projects including ACE or Furniture Plus and if so the agency should be invited to collect the items
- 2.11 The Association will maintain a register of houses in which property has been found, whether this property is stored or not. This will be available for inspection by members of the public at all reasonable times.
- 2.12 In the event of the former tenant, whether sole or joint, being aggrieved by the action taken by the Association to terminate the tenancy, then he/she may raise proceedings by way of a summary application in court within 6 months of the date of termination.
- 2.13 In accordance with Section 20 of the Housing (Scotland) Act 2001, where the Association believes that any joint tenant has abandoned the property, the Association will carry out the appropriate measures as described in Appendix 1 in order to assist in contacting the joint tenant and assessing whether they intend to return to and occupy the property.
- 2.14 If the Association is unsuccessful in efforts to contact the tenant, the Association will serve a notice, attached as **Appendix 5**, indicating the actions the tenant must take to prevent their interest in the tenancy ending. This notice will be copied to all other joint tenants.
- 2.15 If no contact is made by the suspected abandoning tenant, the Association will serve a second Notice, attached as **Appendix 6**, giving at least 8 weeks' notice that the tenancy will end unless the tenant contacts the Association. This Notice should be copied to all remaining joint tenants.

- 2.16 Where notices are served, the Housing Services Officer should complete the record sheet attached as **Appendix 7**.
- 2.17 The Association's Gas Safety Policy and Procedure provides that access may be forced to a property to cap a gas meter where appropriate notice has been given and access has not been voluntarily given by the tenant. As stated above, Housing Services will notify Technical Services if a property is believed to be abandoned but the arrangements to secure access for gas servicing as set out in the Gas Safety Policy and procedure should continue. If forced access is required then, at that stage, an inventory should be carried out.
- 2.18 Where notices are attached to the door of a property, and the tenant is known to be a user of a minority language, the notice should be translated into an appropriate language in order that it may be understood by the tenant.

3.0 REVIEW

This policy will be reviewed at least every 3 years.

Graeme Wilson
Housing Services Manager

13th January 2014

Policy Review Consultation Process

Reviewed by the Management Team:	3 rd February 2015
Presented to Involved Residents Group:	Not applicable (as no significant amendments from existing policy were proposed at review in 2015)
Recommended by Customer Services Committee:	5 th February 2015
APPROVED BY THE MANAGEMENT COMMITTEE	26th February 2015
Date of Next Review:	February 2018

Appendix 1

CHECKLIST FOR USE WITH ABANDONED PROPERTIES, POWERS OF ENTRY AND BOARDING UP PROCEDURES

Use this checklist to keep a written record of actions taken. Note the date and time of visits or phone calls, names of contacts and any commitments made by others, and initial any entry on the form so that it is clear who has carried out the check(s). Please note that not all checks may be applicable to all tenants. Housing Services Officers should only use those which are appropriate and strike through as “not applicable” where necessary.

Address of Property		Tenant’s Name, Names of any other Occupants	Address and phone number of any known family		
Joint Tenant	Sole Tenant	Action	Date and Time	Notes/Comments	Follow up action required
✓	<input checked="" type="checkbox"/>	Ask remaining joint tenants for information.			
<input checked="" type="checkbox"/>	✓	Look through windows for signs of occupancy			
✓	✓	Contact with Neighbours looking for signs of illness or distress			
✓	✓	Contact with postal service, trades people (refuse service, meter readers, utilities)			

Joint Tenant	Sole Tenant	Action	Date and Time	Notes/Comments	Follow up action required
✓	✓	Contact with relatives, friends			
✓	✓	Has the tenant any disabilities i.e. hearing &/or sight?			
✓	✓	Does tenant normally have absences from home without advising anyone?			
✓	✓	Check rent account for last payment?			
✓	✓	Check with DWP for non-uptake of benefits			
✓	✓	Check with other Housing agencies in area. Tenant may have been rehoused.			
✓	✓	Contact Social Services, Tenant may have had home help or carer			
✓	✓	Contact Housing Benefit for notified change of circumstances			
✓	✓	Check local hospitals for tenant admission			
✓	✓	Check with Police for remand etc.			
✓	✓	Contact employer if known			
✓	✓	Note any checks carried out			

Joint Tenant	Sole Tenant	Action	Date and Time	Notes/Comments	Follow up action required
✓	✓	First abandoned house notice served			
☒	✓	If no reply received at office within 4 weeks of serving the notice, a second abandonment notice will be served terminating the tenancy			
✓	☒	If no reply received at office within 4 weeks of serving the notice, a second abandonment notice will be served giving 8 weeks' notice of intention to terminate interest in the tenancy			
☒	✓	Decision taken to force entry: YES/NO (Note others in attendance, advise Police of action)			
☒	✓	House, including cupboards, loft and any outhouses, checked for tenant, other persons and animals			
☒	✓	Services turned off, if appropriate, and meter readings taken			

Joint Tenant	Sole Tenant	Action	Date and Time	Notes/Comments	Follow up action required
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Inventory of property taken (include condition report)			
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Decision on storage or disposal of tenant's possessions.			
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	If locks not changed leave note advising of action to date and who to contact in property. If locks changed, pin note to door advising who and where to contact Notify Council Homelessness service			
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Property checked before board up			

If however at any time during the above procedures, the Association considers either the property itself or neighbouring properties to be at risk, a decision must be taken to force entry.

Name and Address

Date

Dear

**Section 18 of the Housing (Scotland) Act 2001:
Notice of Termination of Scottish Secure Tenancy**

I have reason to believe that your dwelling at _____ is unoccupied and that you do not intend to occupy it as your home.

I therefore give you notice that if you intend to occupy the house as your home, you must inform me in writing within 28 days of the date shown at the top of this letter.

I further advise you that if it appears to Ochil View Housing Association at the end of the 28 days that you do not intend to occupy the house as your home, your tenancy will be terminated with immediate effect.

In accordance with the Scottish Secure Tenancies (Abandoned Property) Order 2002, if there is property in the house, I hereby give you notice that you must collect it from the house within 28 days of the date shown at the top of this letter.

[OR (alter para where house has been secured and belongings stored)

The property we have found at the house is available for collection from us, on payment of a sum payable by you for the Association's costs in storing the property, within 28 days of the date shown at the top of this letter]

If you have not collected the property [and paid for its storage] within 28 days, it will be disposed of unless its value exceeds the cost of storing it plus any arrears you owe us in connection with the tenancy, in which case we will store it for six months from the date of repossession of the house. If you have not collected the property, and paid for its storage and delivery to you, within six months of the date of repossession of the house, we will dispose of it.

Yours sincerely

Head of Customer Services

Name and Address

Date

Dear

**Section 18 of the Housing (Scotland) Act 2001
Notice of Termination of Scottish Secure Tenancy**

On _____ the Association served on you a notice requiring you to inform us in writing within 28 days that you intend to occupy the house at _____ as your home.

The Association is now satisfied that the house is unoccupied and that you do not intend to occupy it as your home. We therefore give you notice that the tenancy has been terminated with immediate effect.

YS

Head of Customer Services Ochil View Housing Association

APPROVED

ABANDONED PROPERTY-DWELLING HOUSE AT

Ochil View Housing Association has found in the above house of which you were the tenant property listed on the inventory attached. Such property is available (on production of identification) for delivery into you or your agents hands within a period of twenty eight days from service of this notice.

The items may be collected within this period by arrangement with the Housing Services Manager, Ochil House, Marshall, Alloa (Telephone 01259 722899).

The items will be relinquished to you subject to payment equal to the expense incurred by Ochil View Housing Association as landlords.

If the items are not collected within 28 days, the property will be stored for 6 months and may be then be disposed of in accordance with the Housing (Scotland) Act 2001 section 18.

Signed

Date.....

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First notice to abandoning joint tenant

[Name and address of joint tenant]

[Date]

Dear [name]

**Section 20 of the Housing (Scotland) Act 2001:
Notice of Termination of Interest in Scottish Secure Tenancy**

I have reason to believe that you are not occupying the house at.....[address] and that you do not intend to occupy it as your home.

I therefore give you notice that if you intend to occupy it as your home, you must inform me in writing with 28 days of the date shown at the top of this letter.

I further inform you that if it appears to the Association at the end of the 28 days that you do not intend to occupy the house as your home, we will serve on you a further notice bringing your interest in the tenancy to an end from the date specified in that notice.

Yours sincerely

Head of Customer Services

APPROVED

Second notice for abandoning joint tenant

[Name and address of joint tenant]

[Date]

Dear [name]

**Section 20 of the Housing (Scotland) Act 2001:
Notice of Termination of Interest in Scottish Secure Tenancy**

On.....[date of first notice] the Association served on you a notice requiring you to inform us in writing within 28 days that you intended to occupy the house at.....[address] as your home.

The Association is now satisfied that you are not occupying the house and that you do not intend to occupy it as your home. We therefore give you notice that your interest in the tenancy will end on.....[date at least 8 weeks away].

Yours sincerely

Head of Customer Services

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Record of Service of Notices

I confirm that on {date} at {time}, I delivered a copy of the attached notice by

- 1. Posting it through the letterbox
- 2. Handing it personally to the tenant or another occupant
- 3. Posting by Recorded Delivery to the last known address of the tenant, which was [address]

Delete as appropriate

Signature.....
Name and designation

Witnessed by.....
Name and Designation.

