

Abandoned House

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	Policy number:	H01
	Policy approved on:	June 2015
	Due for review:	June 2020

Introduction

Glen Oaks Housing Association is a registered social landlord. It aims to ensure effective, efficient and accountable management of its properties. This policy aims to ensure that the Association will re-let properties as quickly as possible in order to minimise rent loss resulting from an abandoned property.

Compliance with **SHR Charter**, Legislation and Good Practice

In developing this policy Glen Oaks Housing Association has taken into consideration:-

- Scottish Housing Regulator Scottish Social Housing Charter which states under Tenancy Sustainment (Charter outcome number 11) Tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations.
- Housing (Scotland) Act 2001 - Sections 17-21
- SFHA Raising Standards in Housing - Void Management (July 2002)

Policy Objective

The Association's tenancy agreement provides information on the steps that should be taken by individual tenants to end their tenancy agreement. However should the outgoing tenant fail to provide this, then the property may be deemed to be abandoned. The Housing (Scotland) Act 2001 makes provision for landlords through a Scottish Secure Tenancy to take possession of a house that has been abandoned.

Abandoned Tenancies

Where the Association has reasonable grounds for believing that a house is

- unoccupied, and
- that the tenant does not intend to occupy the house as their home

rigorous investigations will be undertaken to satisfy that the property has been abandoned.

Where it is established that the property has been abandoned the Association will repossess the property under Section 17(4) of the Housing (Scotland) Act 2001 by serving notice on the tenant according to Section 18(1) of the Act.

Having served on the tenant a notice and having made ongoing checks to satisfy that the property has been abandoned the Association may at the end of the 4 weeks notice period serve a further notice bringing the tenancy to an end with immediate effect.

Property Found in an Abandoned Property

Where property is found in an abandoned property, the Association will immediately serve a notice on the tenant that the property is available for delivery into the hands of the

tenant. This notice complies with the Scottish Secure Tenancies (Abandoned Property) Order 2002. The notice gives the tenant 28 days to collect their property. If the property is not collected the Association can make a decision on expiry of the 28 day notice to dispose of the goods or arrange to store personal property of the tenants' for up to six months, providing that the storage costs along with any rent arrears are not greater than the value of the goods.

Storage of Property

The Association will charge the tenant any costs in respect of storage of the goods before they are delivered to the tenant. Where the tenant has not arranged for delivery of the goods prior to the expiry of the six months period, the Association will be authorised to dispose of such property.

Tenant's recourse to Court

Under Section 19 of the Act, a tenant who is aggrieved by the termination of the tenancy under Section 18(2) may raise legal proceedings within 6 months after the date of termination of the tenancy.

Abandonment by a joint tenant

The Association will use provisions contained within the Housing (Scotland) Act 2001 to bring to an end the interest of a joint tenant where the joint tenant appears to have abandoned the joint tenancy.

Where the Association has reasonable grounds for believing that a joint tenant under the tenancy is

- not occupying the house, and
- does not intend to occupy the house as their home

Inquiries will be made to satisfy us that the tenant has abandoned the property.

Where it is established that the tenant has abandoned the property the Association will bring to an end the interest of the abandoning tenant in the tenancy under Section 20(2) of the Housing (Scotland) Act 2001 by serving notice on the tenant.

Having served on the tenant a notice and having made ongoing checks to satisfy that the tenant has abandoned the tenancy the Association may at the end of the 4 weeks notice period serve a further notice bringing the interests of the tenancy to an end with effect from the date specified in the notice. This date cannot be earlier than 8 weeks after the date of service of the notice.

The Association in serving a notice on the abandoning tenant must also serve a copy of the notice on each of the other joint tenants.

Under Section 21 of the Act, a tenant who is aggrieved by the termination of the tenancy under Section 20(2) may raise legal proceedings within 8 weeks after the date of service of notice.

Register of Abandoned Property

A register is kept of all abandoned properties where personal property is found. The register is open for public inspection. Details of abandoned properties will remain on the register for a period of 5 years from the date of the repossession.

Performance Monitoring

Regular reports will be provided to the **Housing Services Sub Committee** informing them of:-

- The number of abandoned properties in each of our geographical areas
- Details of any issues that may require to be considered for policy or procedural change
- Information (without disclosing personal details) about any tenant who formally initiates a right of appeal under Section 19 or 21 of the Housing (Scotland) Act 2001 - Tenants recourse to court/Joint tenancies - abandoning tenants recourse to court

Staff Training and Development

Glen Oaks recognise that staff are the key resource in ensuring an effective service. It is important staff have the confidence and knowledge to identify and investigate issues and take appropriate action.

All staff will receive training on void/ abandoned property management issues to keep them aware of all options available for dealing with problems and to enable them to develop the necessary skills to put these effectively into practice.

Consultation

Glen Oaks Housing Association has developed this policy in consultation with tenants, registered tenants groups and other service users and account has been taken of representations made. Similar consultation will take place for all proposed policy reviews.

Equality and Diversity

This policy complies with Glen Oaks Housing Association's **Equality and Diversity Policy**.

Risk Management

Risk can arise from the Association's Abandoned House policy as a result of:

- Abandoned properties causing loss of rental income
- Shuttered properties having a detrimental effect on the appearance of the estate

Given the importance of these risks the effective management of this policy is vital.

Review of the Policy

The Association will review this policy every 5 years in consultation with tenants and service users, as stated previously.

More regular reviews will be considered where, for example, there is a need to respond to legislative or good practice guidance.

Links with other Policies

Void Management Policy
Rent Arrears Policy
Estate Management Policy

Complaints/Appeals

We accept that despite our best efforts, problems arise from time to time. Should you have a complaint about how this policy or procedure has been handled or any other issue in respect of its implementation, then you should use our complaints procedure.

This is a separate document and can be requested from any of the Association's offices.

If you require the policy on tape, in Braille, in large print, or in translation, please tell us when you contact us.