

KEY POLICY: SERVICE DELIVERY

May 2008

Review: May 2011

ABANDONED TENANCIES

1.0 Policy Statement

South Lakes Housing (SLH) aims to recover possession of properties that have been abandoned, for the benefit of nearby residents and those who are in housing need who are waiting to be housed.

2.0 Key Strategic Link

Cumbria Housing Strategy 2006 - 2011

The Cumbrian authorities and their partners have traditionally worked in collaboration to develop housing services within the County. With a stronger regional framework we need to strengthen the sub-regional identity of Cumbria within that framework.

All of Cumbria's stakeholders agreed that by working together they would be able to improve the planning, implementation and delivery of all housing services within the sub-region. Particular emphasis is on the way our housing and planning services can improve the ability of Cumbria's housing markets to respond to social and community needs.

To deliver sustainable communities our sub-regional fit-for-purpose housing strategy will be integrated with complementary planning and economic development strategies.

3.0 Definition

A property that the tenant(s) and the household have vacated without providing the due notice, and to which the tenant(s) and the household do not intend returning.

4.0 Key Roles and Responsibilities

The Housing Management Team will be responsible for the implementation of this policy (see Appendix A).

SLH will raise an Emergency repair to secure, as necessary, any suspected abandoned property to avoid any potential vandalism.

Appropriate enquiries will be made to establish if the tenant(s) intends to return to the property.

Within five working days of establishing that a property has been abandoned, SLH will issue a Notice to Quit and Notice of Seeking Possession and then seek an Order from the County Court to take possession of the premises.

If the tenants' whereabouts are known the housing management team should contact them with regards to their belongings.

If the tenant does not want their belongings they should complete a Permission to Dispose of Personal Belongings form (see Appendix B).

5.0 Appeals and Recourse to Court

If a former tenant is unhappy by our actions to terminate the tenancy, the tenant can make a formal complaint to the Housing Manager within 6 months of the tenancy being ended. If after investigation, the complaint is upheld, we shall offer suitable accommodation to the tenant.

If after investigation, the tenant's complaint is not upheld, the tenant has the right to appeal. This procedure is set out in SLH's Complaints Procedure.

If the tenant disputes the reason for us terminating their tenancy, they also have the right to raise proceedings through Court within 6 months of their tenancy being terminated.

6.0 Service Development and Review Priority

South Lakes Housing will provide an annual report to tenants, tenants groups and Tenants' Committee.

Policy Review Priority: Medium, at least every three years.

7.0 Equality and Diversity

South Lakes Housing recognises that there is a broad range of visible and non-visible differences that characterise its tenants. Some of these qualities include race, religion, culture, nationality, ethnic background, colour, disability, sex, sexual orientation, age, literacy and income level. By understanding and respecting this diversity it is able to set a policy which ensures that all tenants are able to access services provided by South Lakes Housing in an equitable manner.

South Lakes Housing is committed to providing information and services equally and without discrimination so that they meet the needs of all sections of the community. These include our tenants, leaseholders and those living nearby or seeking access to or information on housing services in the South Lakeland area. In carrying out all housing management policies, South Lakes Housing's Equality and Diversity Policy will be adhered to.

Appendix A

Procedure for Abandoned Tenancies

1.0 Procedure for Abandoned Tenancy

Two members of staff will visit the abandoned property and make a full inventory of any furniture and effects left in the property by the tenant who has abandoned the property, before repossession is completed.

If the tenant can be contacted, or their whereabouts known, the tenant will be asked to collect their goods or to give permission to dispose of them.

If the tenant cannot be contacted a notice can be served in line with Sect. 41 Local Government [Miscellaneous Provisions] Act 1982 and the goods will be disposed of in due time.

In both cases, in line with good practice requirements a comprehensive inventory will be kept of the goods disposed of, including where necessary photographs, for use in any future claims or disagreements.

Repossession without recourse to the Courts must be agreed in writing by the Housing Manager, and the repossession signed off. In these cases there must be strong, clear evidence that the tenant has no intention of returning to the property and the NTQ must have been served and the 28 day notice period expired.

Such evidence could include the property having been completely or largely emptied of furniture and effects prior to the abandonment.

Where there is any doubt, or lack of strong evidence that the tenant does not intend to return to the property as their only or principal home, the case will be entered for repossession action in the County Court. Whilst this is inevitable, it adds time and cost onto the void period, it is preferable to any potential legal case a tenant may otherwise be able to bring against SLH.

2.0 Disposal of Property

SLH may dispose of unclaimed property of insufficient value after four weeks. We may sell unclaimed property, which has been stored for six months, to meet the costs of transportation and storage. The Housing Manager will endorse the recommendation on the inventory in these cases.

SLH will maintain a register in its local offices that will be available for public inspection, of all abandoned houses where property is found. Each house will remain on the register for five years from the date of repossession.

Appendix B

**Permission to Dispose of Personal Belongings
(Eviction or Abandonment)**

"I,former tenant

Of.....

Hereby relinquish the tenancy of the above property and give South Lakes Housing permission to dispose of any items/property left in the premises. In consideration of South Lakes Housing agreeing to clear the premises of my personal belongings and dispose of the same, I agree and undertake to pay to South Lakes Housing:

- Its reasonable costs of clearing the property of my personal belongings and disposing of the same; and
- A sum in respect of lost rental income for the period South Lakes Housing was unable to re-let the premises due to South Lakes Housing clearing the premises of my personal belongings."

Signed

Date.....

As outlined in the relevant act, items are generally only placed into storage by Housing Management when permission to dispose of them has not been given and where it is not known where the owner of the goods is (most often in cases of abandonment or eviction).