



Abandoned Tenancies Policy

<i>Name of Policy</i>	Abandoned Tenancies
<i>Responsible Officer</i>	Housing Manager
<i>Date approved by the Management Committee</i>	30th March 2022
<i>Date of next Review</i>	March 2025
<i>Section</i>	Housing Management

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1. INTRODUCTION

- 1.1 Trafalgar Housing Association is a registered social landlord established in 1990 to provide housing for social rent and services to owners through factoring.
- 1.2 We are governed by our Management Committee. Our governance arrangements set out clearly the roles and responsibilities of our Management Committee, Committee members and our members of staff.
- 1.3 Operational services are delivered through our office based at 430a Dumbarton Road, Dalmuir, Clydebank, G81 4DX.
- 1.4 As a landlord, Trafalgar Housing Association aims to promote the health and wellbeing of our customers by providing quality homes, located in estates that are safe, environmentally clean and well managed.

2. AIMS & OBJECTIVES

- 2.1 This Policy highlights the legal process which the Association goes through in situations where a tenant abandons their tenancy. Where Trafalgar Housing Association has reasonable grounds for believing that one of its properties is unoccupied, and the tenant does not intend to occupy it as their home, it may take possession of the house in accordance with the terms of the Housing (Scotland) Act 2001.
- 2.2 The Association may also force entry to the house in order to secure it and any fittings, fixtures or furniture against vandalism.
- 2.3 The Housing (Scotland) Act 2001 provides tenants with a right to have a joint tenancy as well as a sole tenancy in accordance with Section 11(5). The Association may also act to bring to an end a joint tenant's interest in a Scottish Secure Tenancy if it appears that the joint tenant has abandoned the tenancy.
- 2.4 The Abandoned Tenancy procedure, which is a separate document, details how an abandoned tenancy will be dealt with internally by officers of the Association. Every abandonment will be logged and its progress recorded on the Associations Housing Management IT system as well as in the Housing Management Register (Abandonments).

3. PROCESS

- 3.1 Where Trafalgar Housing Association intends to repossess an abandoned tenancy it will serve on the tenant a notice under Section 18;
- stating that it believes the house is unoccupied and that the tenant does not intend to occupy it as the tenant's principal home
 - requiring the tenant to email or write to the Association within 4 weeks of the notice being served advising that the tenant intends to occupy the house as the tenant's principal home – this should either be hand delivered to the Association's office or sent recorded delivery for proof of delivery/compliance
 - advising the tenant that, at the end of the 4 weeks, if it appears to the Association that the tenant does not intend to occupy the house, the tenancy will be terminated immediately
- 3.2 During the 4 week period following the serving of the notice, Trafalgar Housing Association will make sufficient inquiries to be satisfied that the house is unoccupied and the tenant does not intend to occupy it as the tenant's home. These inquiries may include contacting members of the tenant's family, neighbours, employers, schools, etc.
- 3.3 As there may be valid reasons for the house being unoccupied for a period of time, the Association will endeavour to be fully satisfied that the house is unoccupied and the tenant does not intend to re-occupy it.
- 3.4 Housing staff managing the Abandonment process will notify colleagues in the Maintenance Team that they have served a notice providing details of property and expected termination date, (date the 2nd Abandonment Notice is served). This will allow the management of the void process to be well-organised.
- 3.5 At the end of the 4 weeks' notice Trafalgar Housing Association will serve a further notice terminating the tenancy with immediate effect if it remains satisfied that the house is unoccupied and the tenant does not intend re-occupying it as the tenant's home.
- 3.6 The Abandoned Tenancies Procedure outlines in more detail the processes which the Association's Housing Officer will follow to comply with this Policy.

4. STORAGE OF PROPERTY

- 4.1 In certain circumstances, Trafalgar Housing Association will make arrangements for the securing of tenants' belongings in their absence and for the eventual return or disposal of these belongings.

- 4.2 Trafalgar Housing Association will store property for 6 months after the tenancy has been terminated unless the value of the property is less than the costs to the Association for storing it as well as any outstanding housing related debts e.g. rent arrears owed by the tenant.
- 4.3 Trafalgar Housing Association will keep a register of houses where such property has been found. This register will be available for public inspection at reasonable times. Houses will remain on this register for 5 years after the tenancy has been repossessed.

5. POLICY REPORTING

- 5.1 The number of abandoned tenancies repossessed using this Policy will be reported as part of the ARC return.
- 5.2 Every abandonment will be logged and its progress recorded on the Associations Housing Management IT system as well as in the Housing Management Register (Abandonments).

6. CUSTOMER SERVICES

- 6.1 All Abandonments serviced will be carried out in line with our Customer Service Standards.
- 6.2 Complaints in relation to service failures in our obligations for Abandonments will be dealt with in line with our Complaint Handling Policy.

7. APPEALS / COMPLAINTS PROCEDURE

- 7.1 Any tenant who feels aggrieved by their treatment under this Policy can ask for a copy of the Association's Complaints Policy, which is available at the Associations office or can be accessed via our website - www.trafalgarha.co.uk. Tenants also have a right to complain to the Public Services Ombudsman. The Complaints Policy details the way in which you can complain and the timescales for responding.
- 7.2 **Those tenants wishing to appeal should note that they do not need to necessarily go through the internal appeal process, as they have a right to obtain independent legal advice externally.** Any tenant of Trafalgar Housing Association, whose tenancy has been repossessed in accordance with this Abandoned Tenancies Policy, has a right of appeal to court within 6 months. Where the court finds that the landlord acted wrongly or unreasonably it must order the tenancy to continue or direct the landlord to provide other suitable accommodation.

8. EQUALITY & DIVERSITY

- 8.1 As a service provider and employer we recognise the requirements of the Equality Act 2010, oppose any form of discrimination and will treat all customers, internal and external, with dignity and respect. We recognise diversity and will ensure that all of our actions ensure accessibility and reduce barriers to employment and the services we provide.

9. LINKS TO OTHER POLICIES

The following Policies relate to and should be referred to in respect of the Abandoned Tenancies Policy

- Allocation Policy
- Void Management Policy (in respect of abandonment procedures)
- Rent Arrears Management Policy