



Abandonment Policy

Board Approved : 7 December 2022

Next Review: December 2027

1. Introduction

This policy lays out how Homes for Life Housing Partnership (HfL) deals with properties that have been abandoned and how it recovers possession.

2. Principles

The following principles govern the operation of this policy:

- Adherence to legislation
- Fairness and transparency

3. Objectives

The objectives of this policy are to provide:

- Adhere to legislation in relation to abandonment of tenancy in particular the Housing (Scotland) Act 2001
- Minimise the period properties are vacant
- Minimise rent loss and related costs
- Respect rights of tenants and occupants as laid out in the Scottish Secure Tenancy Agreement

4. Approach & Method

The Board of HfL in its formal approval of the policy acknowledges that it accepts full responsibility for its implementation.

Day-to-day responsibility for the operation of this policy lies with the appropriate CEO and Managers of HfL.

All relevant employees have a responsibility to ensure that this policy is applied as instructed. The policy will be implemented using the following approaches:

4.1 Defining an Abandoned Property

When tenants cease to occupy a property without giving notice as laid out in the Tenancy Agreement for the termination of their tenancy. This situation is referred to as abandonment of the property.

Where HfL believes that a tenant has abandoned the property, the Housing Management team staff will carry out an exhaustive process of attempting to contact the tenant, if unsuccessful will follow the statutory procedure as detailed in our procedure.

4.2 Recovering Possession of Abandoned Property

Where efforts to contact or trace the tenant/s are unsuccessful an Abandonment Notice will be served on the tenant/s at the address of the property.

The Notice will either be served by two members of staff, who will both sign date and witnessed the serving of this notice or be served by a Sheriff Officer. This should be in the Tenancy record on SDM.

If the tenant contacts HfL during the 4-week period of the first notice the Community Housing Officer (CHO) will remind the tenant of their obligation to stay in the property as their only and principal home under the terms of their tenancy agreement. The CHO should also aim to find out if there are any underlying issues or problems which has led to their absence or failure to engage and seek to provide, or sign post to, appropriate support.

If, after 4 weeks, there is no contact by the tenant, a further, final statutory notice will be served. This brings the tenancy to an end, with immediate effect.

4.3 Dealing with Tenant's Possessions in Abandoned Property

HfL will take an inventory and assess the value of any belongings left in the property. Where the value, if sold, is greater than the cost of storage and any outstanding rent arrears the belonging should be removed and stored for up to a maximum of 6 months.

Where the former tenant makes contact within the 6-month period, they will be required to pay any rent arrears, outstanding rechargeable repairs, costs of securing the property and restoring it to a let-able condition and/or the storage costs.

In the event of the goods not being claimed within the six-month period, they may be disposed of at the HfL's discretion, including sale. Any funds received from sale will be used to defray the costs described above.

Section 19 of the Housing (Scotland) Act 2001 gives a tenant whose house has been repossessed the right of appeal to the Sherriff court by summary application. This must be within 6 months from the date of termination.

4.4 Abandonment by a Joint Tenant

The Housing (Scotland) Act 2001 details how the landlord should deal with the abandonment of the tenancy of a joint tenancy.

We will make all reasonable enquiries to satisfy that the abandoning tenant is not occupying the house and does not intend to occupy it as their principal home. Efforts will be made to contact the joint tenant at their present address inviting them to put in writing their intention to end their interest in our property, since they are no longer resident. These enquiries will be fully recorded in the tenancy record.

Where HfL is unable to make contact with the joint tenant or if the joint tenant does not put in writing to HfL their intention to end the tenancy HfL will serve an Abandonment Notice on Where HfL is unable to make contact with the joint tenant or if the joint tenant does not put in writing to HfL their intention to end the tenancy HfL will serve an Abandonment Notice on the interest of the joint tenant.

Under Section 20 of the Housing (Scotland) Act, a tenant who has had their interest in the property terminated has eight weeks to appeal against the decision. The exception to this where there is a dispute as to who should live in the property under the Matrimonial Homes Act. No abandonment notice should be served in these circumstances. In such cases, where

the tenants cannot agree, a Court will decide who should keep the tenancy and HfL will be notified by the Court.

5. Abandonment Register

A property that has been reposessed under the Abandonment Procedure will be noted in an Abandonment Register.

This Register will be considered a public document and available for inspection for up to 5 years after the abandonment of the property. In line with data protection legislation this will be anonymized.

6. Dealing with Tenants who do not occupy property as their Only or Principal Home

HfL may find that a tenant has ceased to occupy a property as their only or principal home. They may be unwilling to end the tenancy in the usual manner but wish to maintain an interest in the property.

In such situations, where HfL is unable to identify an acceptable reason for absence from the property or an acceptable date for return to occupy the property, HfL will instruct its solicitors to commence proceedings for recovery of possession on the basis that the tenant has breached the conditions of tenancy by failing to occupy the property as their only or principal home. This will be in addition to any other conditions of tenancy that are broken.

7. Equal Opportunities

We will not discriminate in the operation of this policy on the basis of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity; race, religion or belief, sex, or sexual orientation.

We aim to promote equal opportunities and comply with the requirements of the Equality Act 2010

8. Staff Training

All relevant staff will receive training in order for them to understand and apply our policy appropriately.

9. Monitoring of the Policy

All reports of neighbour nuisance or antisocial behaviour are recorded in a database allowing us to identify repeat offenders and monitor our performance.

The Housing Manager is responsible for monitoring all suspected Abandoned properties as part of the ongoing performance reporting and review process. Any matter which demonstrates a serious failure of internal controls should also be reported immediately to the Chief Executive Officer (CEO) who will report such matters to the Board.

The Board will monitor performance through the submission of quarterly reports to make sure that the aims of this policy are being achieved.

10. [Review of Policy](#)

The CEO is responsible for making sure that this policy is reviewed every five years and that any changes required are submitted to the Board for approval.