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# Download your Section 21 Notice



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Is an abandonment notice legal. What constitutes tenant abandonment. How long does a tenant have to respond to a section 25 notice. How long does a tenant have to be gone to be considered abandonment. What is a notice of abandonment.

Alternatively they may leave entirely, or only appear to have left early before the end of their tenancy term (term certain), usually 6 or 12 months in the case of an Assured Shorthold Tenancy. The original owner will therefore lose all rights to the goods. This will notify them that the goods are available for collection and that they will be kept for up to three months. As a provider of services to consumers, the landlord is under a legal obligation to take care of tenant's possessions. What Should the Landlord Do? Such a clause could be worded as: "The landlord may remove, store and if not collected within 30 days, may sell or otherwise dispose of any furniture or goods which the tenant fails to remove from the property at the end of the tenancy. A landlord can place a clause in their AST outlining what will happen to tenant's goods. • Safe storage of the goods. There may be perfectly logical explanations for why a tenant appears to abandon, though not for why they don't inform their landlord, but in these circumstances the tenant has a right to return - they still have a tenancy: Extended holidays Hospital stays Prison sentences Not only is illegal eviction a criminal offence, the landlord can find themselves at the receiving end of a claim for civil damages. Tenants sometimes leave their accommodation unoccupied for long periods. 2. Unoccupied properties become targets for vandals and create nuisance complaints from neighbours, possibly then involving the local authorities. Never be tempted to change the locks and remove tenants' possessions in such circumstances. Problems of Abandonment for the Landlord! This action may be in breach of the tenancy agreement as these usually state that the property must not be left unoccupied in excess of two-weeks without informing the landlord. The law relating to uncollected consumer goods is covered by the Torts (Interference with Goods) Act 1977 Torts (Interference with Goods) Act 1977 The obligation to adhere to this legislation can result in financial losses for the landlord as a result of: • Moving and transporting the uncollected goods. What is Abandonment? The landlord has a responsibility to his tenant to safeguard any belongings left in the property if the landlord takes over the property or re-lets and the tenant returns he could be in serious trouble for (1) the civil offence of breaching existing tenancy contract, and (2) a criminal offence under the Protection from Eviction Act 1977. If you are in dispute with the tenants about any aspect of the goods, it is recommended that you do not sell the goods until this dispute is resolved. Provide a weekly cleaning service within the tenancy which means that the condition of the property is also carefully monitored. Whilst in occupation and for the duration of the tenancy tenants have a "legal estate" in the property and a right to treat the premises as their own, within the terms of the lease - harassment has very serious consequences. Can you see through the windows if the tenant's possessions are still in the accommodation? Legally, abandonment is the voluntary surrender of a legal right, for example, an interest in land or property - a tenancy. • Write to the tenant by registered post or recorded delivery with a legal notice. If the above points indicate abandonment and the property has been left in an insecure state, or you suspect internal appliances could present a danger to the property and/or neighbours, then, and only then, may you have a case for entering the premises and possibly fitting a secure lock. If you have carried out your Tenant Screening checks carefully and the tenant has completed a satisfactory application form you should always be in a position to contact the tenant, or a relative, even if the premises are abandoned. • If the goods remain unclaimed after 3 months you can sell them to a buyer, who will receive good title to them. Contact the office on 01603767101 or info@easternlandlords.org.uk Key Points When a tenant abandons a property part-way through his tenancy the landlord needs to be very cautious because: The tenant is legally entitled to return and take up residence again. You leave a clear notice on the door informing the tenant that the lock has been changed and that if they require access they must contact you at the address supplied to obtain a replacement key Remember that you do not want to encourage squatters - notices displayed too prominently may do just that! Under no circumstance must you deprive the tenant/s of their rights to access. Adding a clause to your Assured Shorthold Tenancies You may like to consider adding a clause to your lease regarding the procedures you will take in the event of uncollected goods being left in the premises. Do neighbours have any knowledge? Can you contact the tenant or a relative? You need the agreement of the tenant that she has actually abandoned her tenancy rights, preferably in writing in the form of a notice to quit. Relevant legislation - Torts (Interference with Goods) Act 1977. A landlord or agent in this position has some difficult decisions to make: 1. If you are not owed money a reasonable period, typically 28 days is acceptable before selling the goods. • Make sure your notice clearly identifies you as the landlord and gives full contact details for yourself as landlord and include complete contact details. Click here for a template notice to serve to the property - Abandoned items left at a property A suggested procedure for legally disposing of uncollected tenant's goods: • Make every effort to trace the tenant/s to their new address or contact them through any forwarding address you may have. Good Left in the Premises Frequently, tenants leave goods after their tenancy has concluded. If you have handled the tenancy application correctly you should always have sufficient information to contact the tenant or a relative. What would be the consequences if the property is re-let and the tenant returns? The tenant shall be responsible for all reasonable costs which the landlord may incur. What legal right has the landlord or agent got to re-enter the property? The landlord shall be entitled to deduct such costs from any monies lawfully due to the tenant." Remember to always check the wording of any clause you use to ensure that it adheres to the Torts Act 1977. You also need the return of the keys - this is an important point as returning the keys is a clear indication of the tenant's intent. If you do not have a clause in your Assured Shorthold Tenancies If you do not have such a clause, it is important that you correctly serve a legal notice regarding the uncollected goods. A landlord must serve notice before disposing of any goods. There's only one guaranteed safe way to deal with this - get a court possession order before taking over the property. Unoccupied properties are vulnerable to occupation by squatters An important point is, is the rent still being paid? The following template letters can be used - Abandonment Notice 1 Abandonment Notice 2 In this case: You should have a reliable independent witness willing to confirm the circumstances in writing. What should happen to any of the tenant's possessions which may have been left behind? Uncollected goods and possessions left or abandoned in premises by tenants can pose a real problem for landlords. Can't find what you're looking for? If the tenant does appear to have abandoned the property but other evidence introduces doubt, or you cannot confirm this, you should obtain a court possession order before taking over the property or re-letting. Uncollected Goods Key Points A landlord is responsible for safeguarding a tenant's property. Even so, the tenant still has their rights, even if the rent has not been paid, and there are very severe penalties for any landlord who can be shown to have illegally evicted a tenant. 4. • If you are owed monies you must keep goods for 3 months before disposing of them. Has the tenant left the keys to the property? 3. • Legal disposal of the goods. Have you asked the neighbours? You may consider contacting the local authority's Tenant Relations Officer. It is suggested that such a clause will outline what deductions you will make from any proceeds left from the sale. This situation puts the landlord in a difficult position for several reasons: Insurers usually stipulate that they must be informed if the property is to be unoccupied for periods in excess of 14 days, and may increase the premium due to the increased risk in these circumstances. This is advisable especially if all the tenant's possessions are still in the property. Taking these precautions may enable you to re-let quickly (seeking a possession order can be a lengthy process), but if in doubt seek expert advice on the specific case locally, and seek the assistance of independent witnesses. • Once you have covered your expenses in this process and any rent arrears etc, any proceeds left over will belong to the original owner - your tenant, if they should turn up and claim within six years. - get witness statements if you can. If it is very obvious that the tenant has left for good, can the property be re-let? Any monies outstanding after the deduction of your reasonable costs belong to the tenant up until 6 years after the sale. If the tenant appears to have abandoned the property, but you have no written confirmation, important points are: Is the rent still being paid? Landlord Guide Check the property regularly, without interfering with or harassing the tenants, to make sure it is still occupied as well as carefully monitoring rent payments. Also consider: Asking a neighbour to monitor tenants' movements for you.

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