

Information Sheet 5 Abandoned Properties



Abandoned Properties

If you believe that a property has been abandoned please contact your Housing Officer so that the situation can be investigated and, if appropriate, the property recovered and made available for another household.

Abandoned Tenancies

The Association can serve an abandonment notice on a tenant where we have reasonable grounds for believing that the property is unoccupied **and** the tenant does not intend to return. Staff will continue to carry out checks during the period of the notice to try to establish whether or not the tenant intends to return.

After four weeks, the Association will serve a second notice that will immediately end the Scottish Secure Tenancy Agreement.

The Association will not normally enter the house and secure the property until after the service of the second notice unless there is security concerns for doing so earlier.



Appeals

Appeals can be lodged with the Sheriff Court up to 6 months after the date when the tenancy was ended if you think the Association acted incorrectly in using the abandonment procedures.

The Association will be deemed to have failed to carry out abandonment procedures properly if we:

- did not serve the abandonment notice properly
- did not have reasonable grounds for finding the property to be empty or did not have enough information about the tenant's intention to return
- acted in error, eg where the tenant could not notify us of their intention to occupy the property because of illness.

Where the Association has not carried out the abandonment procedures properly, the Sheriff must:

- reinstate the tenant if the property has not been re-let, or
- instruct the Association to provide other suitable accommodation if the property has been re-let.

Abandonment by a Joint Tenant

In the case of joint tenants, the Association can commence abandonment procedures in respect of the joint tenant who has abandoned the property. The Association must have reasonable grounds for believing that the joint tenant has abandoned the property and doesn't intend to return. This is done by serving an abandonment notice on the joint tenant who has abandoned the property. Any other joint tenants must receive a copy of this notice.

After 4 weeks, the Association will serve a second notice which states that the abandoning tenant's interest can be ended no sooner than 8 weeks from the date that the first notice was served. This does not affect the tenancy of the remaining tenant.

Appeals and joint tenancies

Joint tenants have 8 weeks to appeal to the Sheriff after the tenancy has ended. If the appeal is successful the Sheriff can force the Association to either re-let the property to that joint tenant, or provide suitable alternative accommodation.

Disposal of Tenant's Belongings

Tenant's furniture and belongings which are found in the property will only be stored if they are greater in value than the cost of storing them plus any rent due but unpaid by the tenant.

If a tenant wishes their belongings delivered to them the tenant will require to pay any delivery costs to the Association prior to delivery taking place.