



<b>Draft Policy on :</b>	<b>Abandonment Policy</b>
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<b>Compliant with with Scottish Social Housing Charter Outcomes:</b>	<b>Equalities; Communication; Participation; Quality of Housing; Repairs &amp; Maintenance Tenancy disputes. Tenancy Sustainment</b>
<b>Compliant with Tenant Participation Strategy:</b>	<b>Yes</b>
<b>Compliant with Equality &amp; Diversity :</b>	<b>Yes</b>
<b>Compliant with Business Plan :</b>	<b>Yes</b>

<b>SMT Delegated Authority for Approval</b>	<b>August 2019</b>
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<b>Date for Review :</b>	

<b>Responsible Officer:</b>	<b>Director of Customer Services</b>
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**This policy is available in different formats for example, if you have difficulty with sight or need a translated copy, please contact us.**

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## **1. Introduction**

An abandoned property is one, which is defined by the Housing (Scotland) 2001 as 'a property which is not being used by the resident as his/her principle home'.

Barrhead Housing Association wishes to ensure that our housing stock is used as effectively and efficiently as possible.

By identifying abandoned properties swiftly the Association can take the appropriate steps to have the property re-let to those applicants most in need.

## **2. Aims and Objectives**

Barrhead Housing Association is committed to managing its housing stock effectively and efficiently.

In order to manage our housing stock efficiently and effectively it is essential to identify any properties which are not being used by residents as their 'principle home' and take the appropriate steps to have the unoccupied properties repossessed and re-let to meet the needs of our resident's and applicant's on our waiting lists.

Barrhead Housing Association will:

- make the best use of our housing stock by ensuring empty abandoned properties are able to be re-let quickly and minimise the time a property is unoccupied;
- reduce estate management problems arising from an unoccupied property;
- determine quickly when a property is abandoned;
- minimise the potential rental loss;
- minimise costs to the Association e.g. repairs; storage of belongings etc.
- protect the rights of tenants and the Association when repossessing a property.

## **3. Legal Provisions**

The provisions and implementation of the Abandonment Policy aims to comply with the following legislation and statutory documents.

- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2014
- Scottish Secure Tenancy (Abandoned Property) Order 2002
- General Data Protection Regulations
- Equality & Diversity Act 2010
- Matrimonial Homes (Family Protection) (Scotland) Act 1981
- Scottish Secure Tenancy and Short Scottish Secure Tenancy Agreement
- The Scottish Social Housing Charter

These provisions apply to both single and joint tenancies. They are as follows:

### **3.1 Single Tenancy**

Where the Association has "reasonable grounds" for believing that a house is unoccupied, and that the tenant does not intend to occupy it as his/her only or principle home Chapter 1- Sections 17-19, Housing (Scotland) Act 2001 sets out the procedure to end the tenancy and to repossess the property.

### **3.2 Joint Tenancy**

Where the Association has reasonable grounds for believing that a joint tenant is not occupying the house and does not intend to occupy it as their only or principle home Chapter 1- Sections 20-21, of the Housing (Scotland) Act 2001 detail the procedures for ending the joint tenancy.

## **4. Abandonment Notices for Single Tenancy:**

Where Barrhead Housing Association has reasonable grounds for believing that a house is unoccupied and that the tenant does not intend to occupy it as his/her home, a Customer Services Officer will serve an Abandonment Notice (Procedure document 1) against the tenant. This notice must:

- State that Barrhead Housing Association has reason to believe that the house is unoccupied and that the tenant does not intend to occupy it as her/his home
- Require the tenant to inform the landlord in writing within 28 days of service of the notice if the tenant intends to occupy the house as their home
- Inform the tenant that, if it appears to Barrhead Housing Association at the end of the 28 days that the tenant doesn't intend to occupy the house, the tenancy will be ended with immediate effect by service of a second notice.

The legislation does not specify what inquiries should be carried out to satisfy that there are 'reasonable grounds.' However, our procedures set out the essential inquiries to be undertaken before an Abandonment Notice is served. For example, essential checks are visiting the house, checking with neighbours and checking with other agencies e.g. East Renfrewshire Social Work, Police Scotland and local hospitals

#### **4.1 Security Measures**

During the process of re-possession of the tenancy Barrhead Housing Association may enter the house at any time to secure the property and any fittings, fixtures and furniture against vandalism. This includes making forced entry to the property.

#### **4.2 Contact from the Tenant**

Where the tenant contacts the Association within the 28 days, either verbally or in writing, of their intention to occupy the house as their home, the abandonment procedure will be cancelled. This should be followed by a home visit to confirm that the tenant is living in the property.

Where the tenant returns to live in the property but fails to advise the Association either verbally or in writing, the abandonment procedure will be cancelled. The Customer Services Officer will try to visit the tenant as soon as possible to discuss the situation.

#### **4.3 Termination of the Tenancy**

Where a tenant fails to respond to the Abandonment Notice, the tenancy can be ended without court action by service of a Second Notice (Procedure Document 7) not sooner than 28 days after the first Abandonment Notice provided:

- A proper abandonment notice has been served
- The Customer Services team have made reasonable inquiries to be satisfied that the house is unoccupied and that the tenant doesn't intend to occupy it as her/his home.

Enquiries should be ongoing from service of the First Notice to the Second Notice that terminates the Scottish Secure Tenancy. Accurate records of all inquiries must be recorded on the tenancy file. This is necessary to ensure that the Association has acted reasonably and in accordance with legal provisions. This will be important in cases where the tenant raises a formal appeal or raises an action in respect of alleged unlawful termination of tenancy.

Following the service of the Second Notice, which terminates the tenancy, the property will be processed for re-let in accordance with Barrhead Housing Association's Allocation and Void Policy Procedures.

#### **4.4 Appeals by the Tenant**

Any tenant aggrieved by the termination of the tenancy under the Abandonment Procedures has the legal right to appeal to the Sheriff Court within 6 months from the date the tenancy was ended. (Procedure Document 8). The court must either grant a declaratory(Note1) that the notice is of no effect (where the house has not been re-let), or direct the Association to make other suitable accommodation available where the house has been re-let (Note 2).

This will apply whenever the Association:

- Has not served a valid abandonment notice
- Did not have reasonable grounds for finding the house to be unoccupied/or that the tenant didn't intend to occupy it as her/his home, or
- Acted in error in finding that the tenant did not intend to occupy the house as their home and the tenant had reasonable cause by reason of illness or otherwise for failing to notify the Association of their intention to occupy.

The court may also make other orders where a tenant has successfully challenged an abandonment order, for example, by instructing the Association to forego rent due for the period of the apparent abandonment.

#### **Notes:**

(1) A declarator is a declaration by the court of a person's rights;

(2) Suitable alternative is defined by the Housing (Scotland) Act 2001, Schedule 2, Part 2. Essentially it is accommodation that is 'like for like' with the previous accommodation.

If the keys are returned to BHA with no termination notice then the Abandonment Procedure will be followed.

#### **5. Abandonment Notices for Joint Tenant's**

Section 20 of the Housing (Scotland) Act 2001 gives the Association the right to end a joint tenant's interest in a property where we have reasonable grounds for believing the joint tenant is not occupying the house and does not intend to occupy it as her/his home

To end the interest of an joint tenant we must serve an Abandonment Notice on that tenant (Procedure Document9)).

In the case of joint tenants who have left the house, a separate notice should be served on both (or all) tenants.

The Notice must:

- State that Barrhead Housing Association has reason to believe that the abandoning tenant is not occupying the house and does not intend to occupy it as the tenant's home
- Require the abandoning tenant to inform Barrhead Housing Association in writing within 28 days of service of the notice if she/he intends to occupy the house as their home
- Inform the abandoning tenant that, if it appears to Barrhead Housing Association at the end of the 28 day period that the tenant doesn't intend to occupy the house, the abandoning tenant's interest in the tenancy will be ended by service of an appropriate notice.

The Customer Services Officer will carry out whatever inquiries are required to be satisfied that the abandoning tenant is not occupying the house and doesn't intend to return. Although the information provided by other joint tenants will be relevant, such information will often not be sufficient. Again, information received from other tenants will require to be assessed in the light of general circumstances, for instance, the possibility of relationship breakdown.

### **5.1 Contact from the Tenant**

Where the tenant contacts the Association within the 28 days, either verbally or in writing, of their intention to occupy the house as their home, the abandonment procedure for that tenant should be cancelled. This should be followed by a visit to confirm that the tenant has returned home.

Where the tenant returns to live in the property but fails to advise the Association either verbally or in writing, the abandonment procedure may be cancelled. All other Association staff notified of the abandonment will be informed of the cancellation.

### **5.2 Terminating the Tenancy**

The abandoning tenant's interest in the tenancy can be ended by the Association serving a Second Notice on the abandoning tenant.(Procedure Document 10). The date for ending the tenancy must be specified in this second notice.

### **5.3 Appeals by the Abandoning Tenant**

A joint tenant under a Scottish Secure Tenancy who is aggrieved by the termination of the tenancy under the abandonment procedures has the legal right to appeal to the sheriff court within 8 weeks from the date the tenancy was ended (Procedure Document 11). The court must either grant a declarator (Note 3) that the notice is of no effect (where the house has not been re-let), or direct the Association to make other suitable accommodation available where the house has been re-let (Note 4). The Sheriff may also make the orders such as requiring the Association to pay compensation to the tenant.

This will apply whenever the Association:

- Has not served a valid abandonment notice
- Did not have reasonable grounds for finding the house to be unoccupied/or that the tenant didn't intend to occupy it as her/his home, or
- Acted in error in finding that the tenant did not intend to occupy the house as their home and the tenant had reasonable cause by reason of illness or otherwise for failing to notify the Association of their intention to occupy.

#### **Notes:**

(3) A declarator is a declaration by the court of a person's rights;

(4) Suitable alternative is defined by the Housing (Scotland) Act 2001, Schedule 2, Part 2. Essentially it is accommodation that is 'like for like' with the previous accommodation.

### **6. Property Found in Abandoned Tenancies:**

The Scottish Statutory Instrument-Scottish Secure Tenancies (Abandoned Property) Order 2002 specifies procedures to be implemented whenever property is found in abandoned houses. These procedures are:

Where property is found in an unoccupied house in respect of which abandonment procedures have been started, the Customer Services Officer must immediately serve notice on the tenant (Procedure Document 12). This notice must state that:

- The property is available for delivery to the tenant (or the tenant's agent) at a place specified in the notice after payment relating to the costs of storage is made, and



- That if the property is not collected by the tenant from the place specified on or before the date given in the notice, the landlord may dispose of the property as noted below.

**Notes:**

(1) The date specified in the notice for collection/disposal of property cannot be less than 28 days from the service of notice and not earlier than the date on which the Association repossesses the house. This means, in effect, that the notice can be served at the same time as the abandonment notice. Property found cannot be disposed of until the house has been repossessed.

(2) The Association reserves the right to release the property for less than storage costs.

## **6.2 Method of Service**

The notice can be served in two ways:

- By recorded delivery posted to the tenant's last known address,
- By leaving the notice at the tenant's address

## **6.3 Disposal of Property**

The Association must store property for a period of 6 months from the date the house was repossessed unless, in the Association's opinion, the value of the property found is insufficient to cover the costs of storage for 6 months.

After the 6 months period has expired, the Association may sell the property to pay for expenses associated with storage and use any balance towards rent arrears. This does not include other debt such as council tax.

For property that is not of sufficient value to store for 6 months, the Association can dispose of such furniture as it sees fit. The Customer Services Officer should consider passing property to any relevant agencies that can use the furniture for clients in need.

## **7. Performance Monitoring**

In order to comply with our service commitments it is important that the Association monitors the effects of our Abandonment Policy and procedures,

meets the requirements of the Scottish Social Housing Charter and all relevant legislation.

### **7.1 Performance Reporting**

The Director of Customer Services will report quarterly to the Audit Sub Group on the number of abandoned tenancies and highlight any policy/operational issues of the Abandonment Policy and Procedures. The Director of Customer Services will report on the following areas:

- The number of abandoned properties
- The number of appeals raised and their outcomes.

## **8. Equality & Diversity**

Barrhead Housing Association is committed to providing fair and equal treatment to all our customers and to comply with the Equality Act 2010. The Act established 9 protected characteristics (the grounds on which discrimination is unlawful). These cover age, race, sex, religion/belief, sexual orientation, pregnancy/maternity, gender reassignment, disability and marriage/civil partnership.

We will offer customers a range of options for communicating with us, since requiring to contact us may have to be in writing and this may be a deterrent, for example for people with poor literacy skills, visual impairment, or where first language is not English.

## **9. General Data Protection Regulations**

The Association will treat all personal data in line with our obligations under the current General Data Protection Regulations and our own Data Protection Policy Statement, Privacy Policy and Data Retention Policy.

Information regarding how your data will be used and the basis for processing your data is provided within our employee and resident Fair Processing Notices.

## **10. Complaints Policy**

Barrhead Housing Association operates a Complaints Policy that is open and transparent, should any customer or service user feel the need to make a complaint against an individual or the organisation, the Complaints Policy and Procedure will be implemented.

This is covered by a separate policy and you should request a copy if you wish to make a complaint.

## **11. Policy Review**

The Senior Management Team will review the Abandonment Policy at least every three years. However, improvements in performance and service delivery may be made on a regular basis to reflect change and in light of various factors such as:

- New or revised legislation
- Changes in good practice
- Organisational change, e.g. revision of operational practices
- Views of tenants and other service users
- Auditing practices
- Resource requirements

## **Appendix 1-Staff Procedures**

### **Abandonment Notices for Single Tenancy**

Staff should make every effort to identify abandoned properties, when they are identified the following procedures should be followed.

Where the Customer Services Officer has reasonable grounds for believing that a house is unoccupied and that the tenant does not intend to occupy it as his/her home, a Customer Services Officer may serve an abandonment notice (Procedure document 1) against the tenant.

A list of checks is listed on the Record Sheet to be used by the Customer Services Officer when carrying out inquiries. (Procedure Document 2). A sample standard letter to be used (or adapted for use) in carrying out these checks is also attached. (Procedure Document 3).

Methods of Service: The abandonment notice can be served in three ways:

- By delivering it to the tenant
- By leaving it at the tenant's proper address, for instance, by hand delivery and posting it through the letterbox.
- By recorded delivery, for example, to the tenant's proper address. A tenant's proper address is the person's last known address.

Security Measures : Where the Customer Services Officer is required to secure the house, another staff member should be present. Procedures for dealing with abandoned property found in abandoned houses are provided in the policy.

### **Contact from the Tenant**

Where the tenant returns to live in the property but fails to advise the Association either verbally or in writing, the abandonment procedure may be cancelled. All other Association staff notified of the abandonment should be informed of the cancellation.

The Customer Services Officer should visit the tenant to ascertain reasons for leaving the house and to remind the tenant of the importance of advising the Association when the house is left unoccupied.

Where the tenant contacts the Association by phone or in person, he/she should be requested to complete the appropriate standard letter at the visit confirming that they are still residing in the house.  
(Procedure Document 6)

Details of the above contacts should be noted on the standard Record Sheet (Procedure Document 2).

## **Assessment of Property Value/Storage**

The Customer Services Officer who finds abandoned property must take immediate action to secure the house and safeguard property found pending its valuation. An inventory is to be completed by the Customer Services Officer and another staff member and goods should be photographed (Procedure Document 13).

The Association must store property found for a period of 6 months unless if in our opinion the value of the property found is insufficient to cover the costs of storage.

After the 6 months period has expired, the Association may sell the property to pay for expenses associated with storage and use any balance towards rent arrears. This does not include other debt such as council tax.

For property that is not of sufficient value to store for 6 months, the Association can dispose of such furniture as it sees fit. The Customer Services Officer should consider passing property to any relevant agencies that can use the furniture for clients in need.

Once all other procedures have been completed the normal void procedure should be implemented.

## **Other Guidance**

A copy of the Abandonment notices must be retained on the tenancy file along with the appropriate certificate of service that specifies how the notice was served (Procedure Document 4).

The Customer Services Officer must complete the standard abandonment Record Sheet (Procedure Document 2) that monitors action(s) taken from service of the abandonment notice until repossession of the house.

The Customer Services Officer must use Procedure Document 5 to notify other relevant Association staff that an abandonment notice has been served.

In order to comply with equal opportunities, abandonment notices will be served in appropriate languages as required and in suitable formats, for example, is of appropriate type size.

## **Abandonment Notices for Joint Tenant's**

Where Barrhead Housing Association under a Scottish secure tenancy has reasonable grounds for believing that a joint tenant is not occupying the house and does not intend to occupy it as her/his home, separate procedures apply should the Association wish to end the tenancy.

Method's of Service: This notice can be served in three ways:

- By delivering it to the tenant
- By leaving it at the tenant's proper address, for instance, by hand delivery and posting it through the letterbox.
- By recorded delivery, for example, to the tenant's proper address. A tenant's proper address is the person's last known address.

### **Contact from the Tenant**

Where the tenant returns to live in the property but fails to advise the Association either verbally or in writing, the abandonment procedure should be cancelled. All other Association staff notified of the abandonment should be informed of the cancellation. The Customer Services Officer should visit the tenant to ascertain reasons for leaving the house and to remind the tenant of the importance of advising the Association when the house is left unoccupied.

Where the tenant contacts the Association by phone or in person, he/she should be requested to complete the appropriate standard letter at the visit confirming that they are still residing in the house.

(Procedure Document 6)

Details of the above contacts should be noted on the standard Record Sheet (Procedure Document 2).

### **Terminating the Tenancy**

The abandoning tenant's interest in the tenancy can be ended by the Association serving a second notice on the abandoning tenant. (Procedure Document 10). The date for ending the tenancy must be specified in this second notice.

### **Other Guidance**

A copy of the Abandonment notices must be retained on the tenancy file along with the appropriate certificate of service that specifies how the notice was served (Procedure Document 4).

The Customer Services Officer must complete the standard abandonment Record Sheet (Procedure Document 2) that monitors action(s) taken from service of the abandonment notice until repossession of the house.

The Customer Services Officer must use Procedure Document 5 to notify other relevant Association staff that an abandonment notice has been served.

In order to comply with equal opportunities, abandonment notices will be served in appropriate languages as required and in suitable formats, for example, is of appropriate type size.

**Appendix 2-**

Abandonment Procedures Document 1:

Abandonment Notice (Empty Houses)

Date

Name

Address

Dear (Name of tenant),

**Abandoned Property Notice**

In terms of section 18 of the Housing (Scotland) Act 2001, the Association has reason to believe that the house at .....  
..... is unoccupied and that you do not intend to occupy it as your principal home.

You are required to inform the Association in writing within 28 days of service of this notice, that is, (by date) if you intend to occupy the house as your principal home.

If it appears to the Association at the end of this 28 day period that you do not intend to occupy the house, your tenancy will be terminated by service of a second notice with immediate effect.

Served on behalf of the Association by:

.....  
Customer Services Officer

**Abandonment Procedures Document 2:**

**Record Sheet**

1 Tenant Name .....

2 Abandoned House:

(a) Address: .....

(b) Property Type: .....

(c) Property Size: .....

3 Date Aware of Suspected Abandonment: .....

4 Reason(s) for Suspected Abandonment:

(i) .....  
.....

(ii) .....  
.....  
.....

(iii) .....  
.....  
.....  
.....

5 Date First Notice: ..... (copy of notice held on file)

6 Method of Delivery of Notice: .....

7 Date of Expiry of First Notice: .....

8 Was Entry Required? Yes ..... No .....



If yes, specify staff officers in attendance and date:

.....  
.....

9 (a) Were security measures required? Yes ..... No

If yes, specify security measures taken, including whether pipes were drained:

.....  
.....

(b) Other agencies/contacts involved (list name(s), address and phone number(s))

.....  
.....

10 Details of Investigations:

(a) Mandatory Checks                      Date of Check      Response      Correspondence

- Benefits Agency
- Finance Department
- Gas Supplier/Electricity
- House Visit
- Neighbours
- Relatives/Friends
- Social Work Department

(b) Other Checks

- Police
- Hospital

(c) Decision Taken After Initial investigations

.....  
.....

11 Specify any contacts made by the tenant(s)

.....  
.....

12 Did this lead to the abandonment procedures being cancelled?

Yes ..... No .....

If no, please specify details including date of cancellation

.....

13 (a) Date of Service of Second Notice: .....(copy of notice held on file)

(b) Was entry forced?      Yes                      No

If yes, specify staff members and other agencies in attendance

.....

14 Method of Service: .....

15 Date Property Passed for Void Inspection: .....

Approved by Director of Customer Services

.....(Signature)

Date: .....

**Note:**

Copy of this Sheet to be retained on file and passed to Director of Customer Services for monitoring purposes.

## **Abandonment Procedures Document 3:**

### **Standard Letters/Memos**

Date

Name

Address

Dear (Agency Contact),

#### **Re: Suspected Abandonment of Tenancy at (property address)**

Barrhead Housing Association has reasonable grounds for believing the above property to have been abandoned.

I should be grateful, therefore, if you could supply me with any information regarding this matter, in particular any relevant contact address details. It is understood that information supplied will be in accordance with the provisions of the General Data Protection Regulations. All information provided will be treated in strict confidence.

I look forward to your reply.

Yours sincerely,

Customer Services Officer

**Abandonment Procedures Document 4:**

**How Notice is Delivered**

The Housing Services Officer should tick the appropriate method of delivery of the notice below and attach to the notice held on file.

1) The abandonment notice of which the attached is a true copy was served on .....

(Name(s) of tenant(s))

by attaching it to the security door/ putting it through the letterbox

by delivering it to the tenant(s) by recorded delivery

by leaving it in the hands of the tenant(s)

at ..... (address)

on ..... (date of service)

Certified a true copy by: .....  
(Director of Customer Services/Customer Services Officer)

Served by : .....

Service witnessed by: .....

**Abandonment Procedures Document 5:**

**Notification to Other Association Staff**

To:

From:

Date:

**Re: Suspected Abandonment of Tenancy**

Tenant Name(s).....

Address .....

Please note that an abandonment notice has been served on the above and the tenancy will be ended on ..... (date) unless the tenant(s) make contact to confirm their intention to re-occupy their home.

**Abandonment Procedures Document 6:**

**Intention to Return**

Date

Name  
Address

Dear (Name(s) of tenant(s)),

**Re: Confirmation of Residence at .....(property address).**

Further to our contact on ( ), I should be grateful if you could complete and sign the form below by writing your name next to signature and the date you sign it. Please return it to me immediately. Alternatively, you may wish to call into the office and a Customer Services Officer will be happy to complete the form on your behalf.

Yours sincerely,

Customer Services Officer

.....

**Confirmation of Residence Statement**

I/we\* confirm that our main address is .....  
and that I/we reside here as my/our only or principal home.

Signature: (Name of tenant)

Date:

Signature: (Name of tenant)

Date:

\* Delete as appropriate

**Abandonment Procedures Document 7:**

**Termination of Scottish Secure Tenancy**

Date

Name

Address

Dear (Name(s) of tenant(s))

**Re: Termination of Tenancy at .....(property address)**

Further to completing inquiries necessary to confirm (a) that the house is unoccupied and (b) that you do not intend to occupy the house as your principal home, notice is now given that your tenancy has been terminated with immediate effect.

The date of termination is .....(insert date as per notice).

Please note that any property will be removed by the Association. Enquiries about this property should be made by contacting (insert contact details).

Should you wish to appeal this decision, you have the legal right to raise proceedings through the sheriff court for a period of 6 months from the date the tenancy was ended. Advice regarding this matter is available by contacting your Customer Services Officer. Alternatively, you should contact your solicitor or advice agency such as the Citizens Advice Bureau or Shelter.

Yours sincerely,

Customer Services Officer

## **Abandonment Procedures Document 8:**

### **Appeal Right Information to Tenants**

Date

Name

Address

Dear (Name(s) of tenant(s)),

#### **Re: Appeal Right Information - Abandoned Houses**

Please note that you have a legal right to appeal against the Association's decision to terminate your tenancy on grounds of abandonment.

The appeal is to the Sheriff Court and the Sheriff can do various things if the Association:

- has failed to carry out the law properly
- did not have reasonable grounds for coming to its decision
- acted in error and the tenant had reasonable cause not to notify the Association of intention to occupy the house

Where any of these things apply, the Sheriff must (a) either order that the abandonment notice is of no effect, or (b) direct the Association to provide other suitable accommodation.

Advice regarding this matter is available by contacting your Customer Services Officer. Alternatively, you should contact your solicitor or advice agency such as the Citizens Advice Bureau or Shelter.

Yours sincerely,

Customer Services Officer



**Abandonment Procedures Document 9:**

**Abandonment Notice (Joint Tenants)**

Date

Name

Address

Dear (Name of tenant),

**Abandoned Property Notice**

In terms of section 20 of the Housing (Scotland) Act 2001, the Association has reason to believe that you have abandoned the house at .....  
..... and that you do not intend to occupy it as your principal home.

You are required to inform the Association in writing within 28 days of service of this notice if you intend to occupy the house as your principal home.

If it appears to the Association at the end of this 28 days period that you do not intend to occupy the house, your tenancy will be terminated by service of a further notice. This date will not be earlier than 8 weeks after the date specified on this notice.

Served on behalf of the Association by:

.....  
Customer Services Officer

**Abandonment Procedures Document 10**

**Termination of Joint Tenancy**

Date

Name

Address

Dear.....

**Re: Termination of Joint Tenancy at .....(property address)**

Further to completing inquiries necessary to confirm (a) that the house is unoccupied and (b) that you do not intend to occupy the house as your home, a second notice is now given to terminate your tenancy on:

Should you wish to appeal against this decision, you have the legal right to raise proceedings through the sheriff court for a period of 8 weeks from the date the tenancy was ended. Advice regarding this matter is available by contacting your Customer Services Officer. Alternatively, you should contact your solicitor or advice agency such as the Citizens' Advice Bureau or Shelter.

Yours sincerely,

Customer Services Officer

**Abandonment Procedures Document 11**

**Appeal Right Information Joint Tenants**

Date

Name

Address

Dear (Name(s) of tenant(s)),

**Re: Appeal Right Information - Abandoned Houses**

Please note that you have a legal right to appeal the Association's decision to terminate your tenancy on grounds of abandonment.

The appeal is to the Sheriff Court and the Sheriff can do various things if the Association:

- has failed to carry out the law properly
- did not have reasonable grounds for coming to its decision
- acted in error and the tenant had reasonable cause not to notify the Association of intention to occupy the house

Where any of these things apply, the Sheriff must (a) either order that the abandonment notice is of no effect, or (b) direct the Association to make other suitable accommodation available to the tenant where it is unreasonable to grant such an order.

Advice regarding this matter is available by contacting your Customer Services Officer. Alternatively, you should contact your solicitor or advice agency such as the Citizens Advice Bureau or Shelter.

Yours sincerely,

Customer Services Officer

**Abandoned Property Notice**

Date

Name  
Address

Dear (Name(s) of tenant(s)),

**Re: Notice of Property found in Abandoned House at ( property address)**

This notice is to advise you that property has been found in the house you abandoned at .....

This property is available for collection by you (or your representative) from .....  
(address for collection) by prior arrangement with Association staff.

The Association will charge for expenses incurred in storing your property and details of any charge will be provided when the goods are collected. Charges are based on legal provisions.

If the property is not collected within 28 days of the date below, the Association will dispose of the property in line with legal requirements.

- the Association will store property for 6 months from the date the house was repossessed if its value exceeds storage costs
- the Association will sell property after this period to cover storage costs and, where any money is left after sale, use this money to reduce any rent arrears outstanding
- where value does not meet storage costs, the Association will dispose of the property as it decides

.....  
Customer Services Officer

.....  
(Date)

# Abandonment Procedures Document 13

## Inventory

Name(s) of tenant(s)

.....  
.....

Property Abandoned

.....

<u>Room</u>	<u>Goods Found</u>	<u>To be Stored</u>	<u>Est. Value</u>
-------------	--------------------	---------------------	-------------------

Lounge

Kitchen

Hall

Bathroom

Bedroom 1

Bedroom2

Bedroom 3

Outbuildings

### **Note:**

Photos and video recording of goods to be stored should be held on the tenancy file.

## **Abandonment Procedures Document 14**

### **Property Register**

Address of Property Date Repossessed

- 1
- 2
- 3
- 4
- 5

#### **Note:**

Details of property found will be held on the appropriate housing file.