

Abandoned Properties Policy

1.0 Purpose of policy

- 1.1 Karbon Homes will investigate and act upon any reasonable belief that a home has been abandoned and is no longer occupied by the tenant.
- 1.2 We will take action to reclaim/repossess a property once all reasonable checks have been made to confirm that the home has been abandoned.

2.0 Objectives

- 2.1 When it is believed that a property has been abandoned Karbon Homes will:
 - Conduct a thorough investigation and make every effort to contact the tenant.
 - Serve an appropriate 28 day notice to quit (ending on a Sunday). If efforts to contact the tenant fail, legal action will then be taken to recover possession of the property.
 - Take possession of the premises when legally entitled to do so.
 - Check that the property is secure. If it is not then take steps to make it secure.
 - Complete an inventory (including photographs) of any possessions left in the premises, paying particular attention to any items of perceived value.
 - Arrange for storage of possessions of perceived value, personal papers or items which may be of sentimental value such as photographs once the property has been repossessed. Property will be stored for a period of up to 3 months while trying to locate the former tenant. Where possible, a notice will be served under the Torts (Interference with Goods) Act 1977.
 - Dispose of any belongings left in the premises immediately if it is clear that there is an environmental hazard - for example rotting food.
 - Dispose of any belongings which have little or no value immediately.
 - Record clearly any decisions or action taken to dispose of belongings once it is clear that the former tenant cannot be traced.
 - In exceptional cases, where a court has given Karbon Homes possession of the property and there are belongings considered to be of value, Karbon Homes may seek to sell or dispose of the belongings. Any costs incurred in storage and in organising the sale will be offset against any profits. Any profits will be used by Karbon Homes as deemed appropriate, having due regard to any legal obligations and any possible claim by the former tenant. Under no circumstances may Karbon employees or contractors take any items from an abandoned property, even if those items would otherwise be disposed of.

3.0 Policy detail

- 3.1 The policy covers all property owned or managed by Karbon Homes.
- 3.2 This policy must be read in conjunction with the Abandoned Properties Procedure and associated appendices.
- 3.3 Karbon Homes will check to establish that the tenancy has been abandoned, to ensure that the home is not being occupied by the tenant, and that the tenant does not intend to return.
- 3.4 Karbon Homes will arrange to secure any suspected abandoned home, if required, on the same day that a report is received.
- 3.5 Where contact is successfully made with a tenant, we will confirm if the tenant intends to return to their tenancy. If the tenant does not intend to return, we will encourage them to formally terminate or surrender their tenancy. The tenant should be advised to make arrangement to clear the property and, if they do not do so, Karbon Homes will dispose of their belongings
- 3.6 If a tenant makes contact during the notice period and advises that they are occupying the property, we will investigate and take appropriate action.
- 3.7 Karbon Homes will pursue termination or surrender of the tenancy by obtaining a signed agreement to this effect from the tenant where this is an option, as this is swift and legally unambiguous.
- 3.8 Where contact cannot be made and investigations lead to the conclusion that the home has been abandoned, Karbon Homes will seek to legally repossess the property and will serve notice to terminate the tenancy.
- 3.9 Possession should only be obtained through obtaining a court order – any exception to this should not be done without the approval of the appropriate manager.
- 3.10 Where a tenant has an intention to return to the property and there is some evidence of that, for example some belongings being left at the property, then the tenant may be treated by the law as still being in occupation so any attempt to obtain possession by changing the locks risks being an unlawful eviction.
- 3.11 When regaining possession of a property, Karbon Homes will in all cases take an inventory and photographs the property and any discarded belongings; taking care to not unlawfully dispose of goods left behind in a property.
- 3.12 If a tenant feels that their tenancy has been terminated without good cause, they should follow Karbon Homes' complaints, compliments and suggestions policy.

4.0 Monitoring and Review

- 4.1 This policy will be reviewed at least every 3 years. The review will be brought forward if there are significant changes to good practice, regulatory or legislative requirements.
- 4.2 The Executive Director of Customer Services is responsible for delegating the implementation, monitoring and review of this policy.
- 4.3 We will consult with tenants/staff regarding this policy wherever this is appropriate

5.0 Equality and Diversity

- 5.1 This policy is implemented in line with the Group's Equality and Diversity Policy and associated legislation. Consideration will be given to all protected characteristics under the Equality Act 2010 to eliminate discrimination, advance equality of opportunity and foster good relations.
- 5.2 This policy and associated documents are available in different languages and alternative formats where necessary.

6.0 Data Protection and Privacy

- 6.1 We have a clear policy on data protection and sharing data with other partners/third parties under the requirements of the General Data Protection Regulation. This is clearly set out in the Data Protection Policy for the Karbon Homes Group which in association with the Data Protection Procedures must be followed throughout the operation of this policy.

7.0 References

- 7.1 Section 81 Housing Act 1985; Section 124 Housing Act 1996; Section 1(1) (b) Housing Act 1988) determine that if a tenant (or the spouse of a tenant) of a property that was let on a secure, an introductory or an assured tenancy is no longer using the property as his or her only or principal home then security of tenure is lost.