

KNOWES HOUSING ASSOCIATION LTD	
Policy Name	Abandoned Tenancies
Policy Category	Housing Management
Policy Number	HM10
Date to Housing Management Sub-Committee	December 2023
Previous Review	November 2020
Next Review Date	December 2026
Links to other Policies	HM09 – Policy on Joint Tenancies
Consultation	Internal

1. AIMS & OBJECTIVES

- 1.1 This Policy highlights the legal process which the Association goes through in situations where a tenant abandons their tenancy. Where Knowes Housing Association has reasonable grounds for believing that one of its properties is unoccupied, and the tenant does not intend to occupy it as their home, it may take possession of the house in accordance with the terms of the Housing (Scotland) Act 2001.
- 1.2. The Association may also force entry to the house in order to secure it and any fittings, fixtures or furniture against vandalism.
- 1.3. The Association may also act to bring to an end a joint tenant's interest in a Scottish Secure Tenancy if it appears that the joint tenant has abandoned the tenancy. The Housing (Scotland) Act 2001 provides tenants with a right to have a joint tenancy as well as a sole tenancy in accordance with Section 11(5) of the legislation. This process is described in detail in HM09 – Policy on Joint Tenancies.
- 1.4 The Abandoned Tenancy procedure, which is a separate document, details how an abandoned tenancy will be dealt with internally by officers of the Association. Every abandonment will be logged and its progress recorded on the Associations Housing Management IT system as well as in the Housing Management Register.

2. RISK MANAGEMENT

- 2.1 By having a written detailed Policy & Procedure to deal with Abandoned Tenancies the Association is able to ensure that a uniform and professional approach is adopted throughout the Association and the service delivered is compliant with law, best practice and internal policy.
- 2.2 The risk of not having this Policy in place is an absence of the above, and potentially having properties unoccupied and at risk of damage or vandalism over a period of time. An additional risk would be an ineffective use of our housing stock.

3. PROCEDURE

- 3.1 Where Knowes Housing Association intends to repossess an abandoned tenancy it will serve on the tenant a notice;
 - stating that it believes the house is unoccupied and that the tenant does not intend to occupy it as the tenant's principal home
 - requiring the tenant to contact the Association within 4 weeks of the notice being served advising that the tenant intends to occupy the house as the tenant's principal home – this should be by mail, in person or by email.

- advising the tenant that, at the end of the 4 weeks, if it appears to the Association that the tenant does not intend to occupy the house, the tenancy will be terminated immediately. **The second Abandonment will be issued after the 4 weeks period plus 1 day, to ensure we are compliant with the legal notice period.**
- 3.2 During the 4 week period following the serving of the notice, Knowes Housing Association will make sufficient inquiries to be satisfied that the house is unoccupied and the tenant does not intend to occupy it as the tenant's home. These inquiries may include contacting members of the tenant's family, neighbours, employers, schools, etc.
- 3.3 As there may be valid reasons for the house being unoccupied for a period of time, the Association will endeavour to be fully satisfied that the house is unoccupied and the tenant does not intend to re-occupy it.
- 3.4 Housing staff managing the abandonment process will notify colleagues in the Property Services Section and the Allocations Officer, that they have served a notice providing details of property and expected termination date, (date the 2nd Abandonment Notice is served). This will allow the management of the void process to be well organised.
- 3.5 At the end of the 4 weeks notice Knowes Housing Association will serve a further notice terminating the tenancy with immediate effect if it remains satisfied that the house is unoccupied and the tenant does not intend re-occupying it as the their home.
- 3.6 The Abandoned Tenancies Procedure outlines in more detail the processes which the Association's Housing Officers will follow to comply with this policy.

4. STORAGE OF PROPERTY

- 4.1 In certain circumstances, Knowes Housing Association will make arrangements for the securing of tenants' belongings in their absence and for the eventual return or disposal of these belongings.
- 4.2 Knowes Housing Association will store property for 6 months after the tenancy has been terminated unless the value of the property is less than the costs to the Association for storing it as well as any outstanding rent arrears or other debt owed by the tenant to the Association.
- 4.3 Knowes Housing Association will keep a register of houses where such property has been found. This register will be available for public inspection at reasonable times. Details will remain on this register for 5 years after the tenancy has been repossessed.

5. TENANTS' RIGHT OF APPEAL

- 5.1 Any tenant who feels aggrieved by their treatment under this Policy can ask for a copy of the Association's Complaints Policy which is available

at the Association's Office. Tenants also have a right to complain to the Public Services Ombudsman. The Complaints Policy details the way in which tenants can complain and the timescales for responding.

- 5.2 **Those tenants wishing to appeal should note that they do not need to necessarily go through the internal appeal process, as they have an external legal right of appeal and should obtain legal representation to assist them in this process.** Any tenant of Knowes Housing Association, whose tenancy has been repossessed in accordance with this Abandoned Tenancies Policy, has a right of appeal to court within 6 months. Where the court finds that the landlord acted wrongly or unreasonably it must order the tenancy to continue or direct the landlord to provide other suitable accommodation.

6. POLICY REPORTING

- 6.1 The number of abandoned tenancies repossessed using this Policy will be reported as part of the void information which details reasons why a tenancy has been terminated. This will be reported to the Housing Services Sub-Committee each quarter.

7. EQUALITIES COMMITMENT

- 7.1 Knowes Housing Association Ltd is committed to tackling discrimination on the grounds of sex or marital status, racial grounds, or grounds of disability, age, sexual orientation, language, social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.
- 7.2 Knowes' seek to embrace diversity, promote equal opportunities for all and eliminate any unlawful discrimination in all areas of our work.