



**Drumchapel  
Housing**  
Co-operative Limited

## **Abandoned Tenancy Procedure**

**Purpose: To ensure efficient Management of the Abandoned Tenancy Policy**

Date: 01 November 2019

Review Date: September 2020

**Agreed October 2019**

**Issued to Staff 01 November 2019**

## **1. Introduction**

- 1.1 The Housing (Scotland) Act 2001 (sections 17 - 21) and the Tenancy Agreement (section 6.4 "By Abandonment By You" ) gives Drumchapel Housing Co-operative Limited the right to enter houses which are unoccupied and where there are reasonable grounds to believe that it is abandoned, to secure against vandalism and repossess the property.

The Scottish Secure Tenancy Agreement signed by the tenant places a contractual obligation on the tenant to occupy the house as their only or principal home.

These procedures set out the process that should be followed in dealing with abandoned tenancies.

## **2. Establishing if a house has been abandoned**

- 2.1 When a house is abandoned or appears to be abandoned, certain checks should be made to establish that the house is unoccupied and that the tenant does not intend to occupy the house as his principal home. The checks which are most appropriate will be determined by the individual circumstances of each case.
- 2.2 A **Procedure Checklist** (Appendix 1) designed to help Officers through this process is provided in standard forms. This is intended as a guide to good practice.
- 2.3 Warning signs to be aware of and checks to be carried out are listed below. This is not intended to be exhaustive.
- Does the house look abandoned? Look through windows and letterbox.
  - Are there leaflets or letters stuck in the letterbox?
  - Find out when the tenant was last seen by neighbours, carers etc. or whether they know of the tenant's whereabouts, e.g. on holiday, working away (being aware of GDPR)
  - Check the rent account for the last payment made and by which method.
  - Check with DWP/Housing Benefit for any recent changes to the tenant's circumstances.
  - Contact any next of kin noted in SDM.
  - When were Gas Service/repairs last carried out.
  - Contact any other relevant outside agencies e.g. Social Work, Support Agency, Employer.
  - Does the tenant suffer from any disability or have a medical condition (deaf, partially deaf or has a problem with their sight or mobility or heart problems).

### **3. Abandonment notices**

- 3.1 Once staff are satisfied that the house is unoccupied the Housing Officer should serve a **First Notice of Abandonment (Appendix 2)**. The maintenance team should be advised at this stage.
- 3.2 Further checks should be carried out after the initial Notice has been served and before a **Final Notice of Abandonment (Appendix 3)** is served after 28 days have elapsed i.e. if the first Notice was served on the 1st of the month, then second and final notice should not be served until the 30th.
- 3.3 Both notices should be hand delivered by two members of staff. The notice should be served separately on the tenant and joint tenant. The envelopes containing the notices should be clearly marked '**Statutory Notice**'.
- 3.4 If the property is being occupied by a third party (i.e. someone who is not the tenant, has property been sublet/assigned), then the Abandoned House Procedure does not apply, legal advice will be sought by the Co-operative.
  - If the person in the house is the spouse of the tenant, then they may have occupancy rights to the property. A child of the tenant who is over 16 and has lived in the house for 12 months or more may be entitled to succeed to the tenancy.
  - If the person is not the spouse, partner or child who is eligible to succeed to the tenancy, then they do not have the right to occupy the house and should be served with a Notice of Proceedings. Any qualifying occupier has the right to appeal to the court to have their say on the effects of being ejected from the property.

### **4. Termination of Scottish Secure Tenancy**

- 4.1 Should the tenant fail to contact Drumchapel Housing Co-operative Limited in person or in writing then the property can be recovered.
- 4.2 The locks should be changed and the house repossessed.
- 4.3 The tenancy should be terminated on SDM, reason for termination should be Abandonment.

## **5. Personal belongings/property found within an abandoned house**

- 5.1 The house should be inspected by two members of staff, an **inventory (Appendix 4)** and photographs should be taken.
- 5.2 If upon inspection it is found that the tenant has left household items and/or personal belongings within the house:
  - If in the opinion of the two inspecting officers, the property left is deemed of value a **Property Notice (Appendix 5)** and an **Inventory** will be served on the tenant. The property will be stored for a maximum of 6 months and will be released to tenant on payment of any money owed e.g. cost of transport, storage costs etc.
  - If in the opinion of the two inspecting officers the property is deemed of insufficient value i.e. the cost of transport, storage along with rent arrears are greater than the value of the property, the Co-operative will arrange for its' disposal.
- 5.3 A record of property put into storage will be recorded on SDM and on the **Abandoned House Register** (G/Drive, admin current, departments, housing, registers, abandoned properties).
- 5.4 Any items deemed as hazardous should be reported to the maintenance team or relevant agency as soon as possible.
- 5.5 When former tenant contacts us to recover the personal belongings/property we have stored, we will advise them of the costs incurred. Former tenant will be required to pay these costs before the property is released to them. The **Property Release Form (Appendix 6)** should be completed.

## **6. Tenants right to recourse**

- 6.1 A tenant who is aggrieved by the termination of tenancy under Section 19 of the Housing (Scotland) Act 2001 may raise proceedings in the Sheriff Court within six months after the date of termination. Detailed records must therefore be kept of all checks carried out and any Notices delivered.

## **7. Abandonment by Joint Tenant (Housing (Scotland) Act 2001, section 20)**

- 7.1 If the Co-operative has reasonable grounds to believe that a joint tenant has abandoned their tenancy and does not intend to occupy it as his/her principal home; the Co-operative will serve a **First Notice of Abandonment (Joint Tenant) (Appendix 2a)**, a copy of the notice should be hand delivered to address of joint tenancy, a copy should also be sent recorded delivery if we have details of new address. A copy of this letter will also be delivered to the other joint tenant with a covering letter (**Appendix 2b**).
- 7.2 If the joint tenant has failed to contact us a **Final Notice of Abandonment (Joint Tenant) (Appendix 3a)** will be served after 28 days have elapsed. This

will be hand delivered, a copy should also be sent recorded delivery to new address, if known, and a copy of notice will be delivered to other joint tenant with covering letter (**Appendix 3b**). The joint tenant's interest in the house will be terminated when 8 weeks have elapsed from date of final notice.

- 7.3 When 8 weeks have elapsed from the final notice of abandonment SDM should be amended, removing the joint tenant. Tenancy will continue for remaining tenant; a new tenancy agreement should not be signed.

## **8. Joint tenants right to recourse**

- 8.1 A joint tenant who is aggrieved by the termination of his/her interest in the tenancy may raise proceedings within 8 weeks from the date the final notice of abandonment was served. Detailed records must therefore be kept of all checks carried out and any Notices delivered.

## **9. Keys returned to Drumchapel Housing Co-operative Limited with no Termination of Tenancy Form**

- 9.1 If a tenant comes into office to hand in keys and they have not completed Termination of Tenancy Form, they should be asked to complete the form giving 28 days' notice as required. If the tenant is not willing to do this, they should be advised that they will continue to be responsible for the rent liability until the abandonment procedure has been carried out.

## **10. GDPR Privacy Statement**

- 10.1 The Co-operative will gather and use certain information about individuals in accordance with GDPR. Staff members have a responsibility to ensure compliance with the terms of the privacy policy and to collect, handle and store personal information in accordance with relevant legislation. The Fair Processing Notice (FPN) details how personal data is held and processed.



**Drumchapel  
Housing**  
Co-operative Limited

Appendix 1

## **ABANDONED HOUSE PROCEDURE CHECKLIST**

Use this checklist to keep a written record of actions taken. Note the date and time of visits or telephone calls, names of contacts and any commitments made by others and initial any entry on the form so that it is clear who has carried out the check(s)

<b>Tenant Number:</b>	
<b>Tenant Name:</b>	
<b>Other Occupant Details:</b>	
<b>Address &amp; Postcode:</b>	
<b>Housing Officer:</b>	

**How was Drumchapel Housing Co-operative Limited made aware of abandoned property?**

## Checks Carried Out

Action	Date/Time	Notes/Comments	Follow up Action Required and Date Completed
Visits to property			
Look through letterbox and/or windows			
Contact neighbours to establish: - when tenant last seen - when lights last on			
Has there been repairs carried out recently			
When was last Gas Service			
Contact Next of Kin/Workplace			
Check rent account, when was last payment received			
Check with DWP/Housing Benefit (re any changes)			
Is the tenant known to have a hearing and/or sight problem, or any other physical disability?			
Other Agencies - Social Work Department - Women's Aid - Glasgow City Council - Utility Companies			
Police/Prison Service			
Other Checks			

## Procedures Carried Out

Action	Date/Time	Notes/Comments	Signed By
First Abandoned Notice Served			Senior Management, Signature:
Second Abandoned Notice Served			Senior Management, Signature:
Decision to Force Entry			Senior Management, Signature:
Force Entry Carried Out - Details of who attended			Senior Management, Signature:
Keys Received			
Property Notice Served			
House, including cupboards checked for tenant, persons or animals			
Inventory of Property and Photos Taken			
Property Boarded/Secured			
Any Other Actions			



**FIRST NOTICE OF ABANDONMENT**

Appendix 2  
**Delivered by hand**

Tenant Name  
Address line 1  
Drumchapel  
GLASGOW G15

Date: as typed

To:

**Section 17 - 21 of the Housing (Scotland) Act 2001:  
Notice of Abandonment**

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I have reason to believe that your dwelling house at \_\_\_\_\_ is unoccupied and that you do not intend to occupy it as your only principal home.

I therefore give notice that if you intend to occupy it as your principal home, you must inform me in writing within 28 days of the date shown at the top of this letter.

I further advise you that if it appears to Drumchapel Housing Co-operative Limited at the end of the 28 days' notice that you do not intend to occupy the house as your principal home, your tenancy of the house will be terminated with immediate effect.

**Property Left in House**

In accordance with the Scottish Secure Tenancies (Abandoned Property) Order 2002, if there is property in the house, I hereby give you notice that you must collect it from the house within 28 days of the date shown at the top of this notice.

If you have not collected the property within 28 days, it will be disposed of, unless its value exceeds the cost of storing it, plus any arrears you owe us in connection with the tenancy, in which case we will store it for six months from the date of repossession of the house. If you have not collected the property, and paid us for its storage and delivery to you within six months of the date of repossession of the house, we will dispose of it.

**Served This Day:**

Signed by: ..... Date .....  
on behalf of Drumchapel Housing Co-operative Limited

Position: .....

Witnessed by: ..... Date .....  
on behalf of Drumchapel Housing Co-operative Limited

Position: .....

Appendix 2a

**FIRST NOTICE OF ABANDONMENT  
(Joint Tenant)**

**Delivered by hand**

Date: as typed

Tenant Name  
Address line 1  
Drumchapel  
GLASGOW G15

To:

**Section 20 of the Housing (Scotland) Act 2001:  
Notice of Believed Abandonment**

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I have reason to believe that you are not occupying the house at \_\_\_\_\_ and that you do not intend to occupy it as your principal home as a joint tenant for the following reason(s):

(type reason(s))

Please contact Drumchapel Housing Co-operative Limited in writing within 28 days to advise if you intend to occupy the house as your principal home.

If you fail to contact us a further notice will be served, this notice will bring your interest in the joint tenancy of \_\_\_\_\_ to an end on date specified.

**Served this day:**

Signed by: ..... Date .....  
on behalf of Drumchapel Housing Co-operative Limited

Position: .....

Witnessed by: ..... Date .....  
on behalf of Drumchapel Housing Co-operative Limited

Position: .....

Appendix 2b

**Delivered by hand**

Date: as typed

Tenant Name  
Address line 1  
Drumchapel  
GLASGOW G15

To:

**Section 20 of the Housing (Scotland) Act 2001:  
Abandonment of a house by joint tenant**

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Drumchapel Housing Co-operative Limited has reason to believe that the joint tenant, \_\_\_\_\_ is not occupying the house and does not intend occupying the house as his/her principal home.

We have served a First Notice of Abandonment (copy enclosed) to the joint tenant, he/she must inform us in writing within 28 days of the notice if he/she intends to occupy the house. If the joint tenant does not contact us a further notice will be served advising him/her that their interest in the tenancy will be terminated.

Should you wish to discuss the contents of this letter please do not hesitate to contact me.

Yours sincerely

**Name**  
**Housing Officer**

**Enc(1)**

Appendix 3

**FINAL NOTICE OF ABANDONMENT**

**Delivered by Hand**

Date: as typed

Name  
Address Line 1  
Drumchapel  
GLASGOW G15

To:

**Section 17- 21 of the Housing (Scotland) Act 2001:  
Notice of Termination of Scottish Secure Tenancy**

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On Drumchapel Housing Co-operative Limited served on you a notice requiring you to inform us in writing within 28 days that you intended to occupy the house at \_\_\_\_\_ as your principal home.

Drumchapel Housing Co-operative Limited is now satisfied that the house is unoccupied and that you do not intend to occupy it as your home. We therefore give you notice that the tenancy has been terminated with immediate effect.

**Served This Day:**

Signed by: ..... Date .....  
on behalf of Drumchapel Housing Co-operative Limited

Position: .....

Witnessed by: ..... Date .....  
on behalf of Drumchapel Housing Co-operative Limited

Position: .....

**FINAL NOTICE OF ABANDONMENT  
(Joint Tenant)**

**Delivered by Hand**

Date: as typed

Name  
Address Line 1  
Drumchapel  
GLASGOW G15

To:  
**Housing (Scotland) Act 2001, Section 20 (3)  
Notice: Termination of Interest in Scottish Secure Tenancy**

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On \_\_\_\_\_ Drumchapel Housing Co-operative Limited served on you a notice requiring you to inform us in writing within 28 days that you intended to occupy the house at \_\_\_\_\_ as your principal home as a joint tenant.

You have failed to contact us and Drumchapel Housing Co-operative Limited is now satisfied that you are not occupying the house and do not intend to occupy it as your principal home. I am therefore serving you a further notice bringing your interest in \_\_\_\_\_ to an end on \_\_\_\_\_ **(date, 8 weeks plus one day from date of this notice).**

**Served This Day:**

Signed by: ..... Date .....  
on behalf of Drumchapel Housing Co-operative Limited

Position: .....

Witnessed by: ..... Date .....  
on behalf of Drumchapel Housing Co-operative Limited

Position: .....

**Delivered by hand**

Date: as typed

Tenant Name  
Address line 1  
Drumchapel  
GLASGOW G15

To:

**Section 20 of the Housing (Scotland) Act 2001:  
Abandonment of a house by joint tenant**

---

As per our letter dated \_\_\_\_\_ a Final Notice of Abandonment  
(copy enclosed has been served to the joint tenant \_\_\_\_\_).

The joint tenant's interest in the house will be brought to an end on \_\_\_\_\_.  
On this date you will become the sole tenant, you are not required to sign a  
new tenancy agreement.

Should you wish to discuss the contents of this letter please do not hesitate to  
contact me.

Yours sincerely

**Name**  
**Housing Officer**

**Enc(1)**



**Drumchapel  
Housing**

Co-operative Limited

**INVENTORY OF PROPERTY FOUND  
IN ABANDONED HOUSE**

<b>Address</b>	
<b>Date of Inspection</b>	

<b>Living Room:</b>	
<b>Hall and Staircase:</b>	
<b>Kitchen:</b>	
<b>Bathroom:</b>	
<b>Bedroom 1:</b>	
<b>Bedroom 2:</b>	
<b>Bedroom 3:</b>	
<b>Garden/Veranda:</b>	
<b>Other:</b>	

Signed: .....

Position: .....

Date: .....

Witnessed: .....

Position: .....

Date: .....

**RECOMMENDATION FOR STORAGE OR DISPOSAL:**

.....  
.....  
.....

**COMMENTS:**

.....  
.....  
.....

**Signed:** .....

**Date:** .....

**SENIOR OFFICER/MANAGER RECCOMENDATIONS:**

.....  
.....  
.....

**Signed:** .....

**Date:** .....



**Property Notice**

**Delivered by hand**

Date: as typed

Tenant Name  
Address line 1  
Drumchapel  
GLASGOW G15

To:

**Section 18 of the Housing (Scotland) Act 2001  
The Scottish Secure Tenancies (Abandoned Property) Order 2002**

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When Drumchapel Housing Co-operative Limited took possession of your house, \_\_\_\_\_ on \_\_\_\_\_ some property belonging to you was found in the house, please see enclosed inventory. The property was removed and has been placed into storage. If you wish to collect the property, please contact this office.

Such property is available on production of identification for delivery into you, or your agent's, hands. You will be required to pay the cost for the transport and storage of the property prior to it being released to you, the approximate cost will be £\_\_\_\_\_.

Please note if the property listed on the inventory is not collected on or before \_\_\_\_\_, the property will be disposed of by Drumchapel Housing Co-operative Limited.

**Served This Day:**

Signed by: ..... Date .....  
on behalf of Drumchapel Housing Co-operative Limited

Position: .....

Witnessed by: ..... Date .....  
on behalf of Drumchapel Housing Co-operative Limited

Position: .....

**Enc (1)**



**Drumchapel  
Housing**

Co-operative Limited

Appendix 6

**RELEASE FORM:  
PROPERTY IN STORAGE**

<b>Address of Abandoned House:</b>	
<b>Address where Property Stored:</b>	

**Costs incurred by Drumchapel Housing Co-operative for Storage of Property**

Storage Costs:	£
Transport/Removal Costs:	£
Any Other Costs:	£
Total Payable to Release Property:	£

**Payment**

Payment Received:	£
Date:	
Tenant Signature:	

**Signed on Behalf of Drumchapel Housing Co-operative Limited:**

.....

**Date:** .....

**Authorisation of Property Release:**

..... Senior Officer/Manager

**Date:** .....