



**Drumchapel
Housing**
Co-operative Limited

Abandoned tenancies policy

Approved by Board
Due for review

September 2017
September 2017

1. Introduction

- 1.1 Abandoning tenancies is a common problem, both nationally and to a lesser degree within the Co-operative's. There are a number of reasons why people abandon properties, ranging from fleeing debt or harassment to a simple lack of responsibility to the landlord. When a tenancy has been abandoned, the vigilance of the Co-operative and the local community is exercised, and this policy and procedure provides the tools to repossess the tenancy quickly without having to go through a lengthy court procedure.
- 1.2 This policy derives from the Housing (Scotland) Act 2001, Part 2, Sections 17 - 21.

2. Risk management

- 2.1 By having a written detailed policy for dealing with abandoned tenancies the Co-operative is able to ensure that a uniform and professional approach is adopted throughout the organisation 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 property could be left lying empty, resulting in loss of rent income and proper use not been made of the Co-operative's housing stock.

3. Equality and diversity

- 3.1 The Co-operative's Equality and Diversity policy, which was approved by the Board in April 2017 following community consultation, outlines our commitment to promote a zero tolerance to unfair treatment or discrimination to any person or group of persons particularly on the basis of any of the protected characteristics. This includes ensuring that everyone has equal access to information and services and, to this end, the Co-operative will make available a copy of this document in a range of alternative formats including large print, translated into another language or by data transferred to voice.

¹ The Equality Act 2010 identifies the "protected characteristics" as age, disability, marriage and civil partnership, race, religion or belief, gender, gender reassignment and sexual orientation.

- 3.2 We are also aware of the potential for policies to inadvertently discriminate against an individual or group of individuals. To help tackle this and ensure that it does not occur, best practice suggests that organisations carry out Equality Impact Assessments to help identify any part of a policy that may be discriminatory so that this can be addressed (please see section 6 of the Equality and Diversity policy for more information).
- 3.3 In line with section 6.3 of the Equality and Diversity policy, the Co-operative will apply a screening process based on that recommended by the Equality and Human Rights Commission to ascertain whether each policy requires an Impact Assessment to be carried out. The screening process was applied to this policy and it was decided that an impact assessment is not required.

4. Legislative and regulatory framework

- 4.1 Legislation governing Abandoned Tenancies is covered by the Housing (Scotland) Act 2001.
- 4.2 The Co-operatives general approach to dealing with tenancy abandonment is based on good practice, and The Scottish Social Housing Charter, Outcomes 6 and 13.
- 4.3 Outcome 6: Estate Management, anti-social behaviour, neighbour nuisance and tenancy disputes
- Tenants and other customers live in well-maintained neighbourhoods where they feel safe.
- 4.4 Outcome 13: Value for Money
- Tenants and other customers receive services that provide continually improving value for the rent and other charges they pay.

5. Taking action

- 5.1 Where the Co-operative has reasonable grounds for believing that one of its Scottish Secure Tenancies 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.
- 5.2 The Co-operative may also force entry to the house and secure it and any fittings, fixtures or furniture against vandalism.

- 5.3 The Co-operative may also act to bring to an end a joint tenant's interest in a Scottish Secure Tenancy if it appears that the joint tenancy has abandoned the tenancy.

6. Storage of property

- 6.1 If upon inspection it is found that the tenant has left household items and personal belongings which, in the opinion of two inspecting officers, could be deemed to be worthy of salvage, (taking account of the cost of removal and storage of such items and any arrears or other debt owing to the Co-operative) a photographic record and inventory be taken following which the Co-operative will make arrangements for the securing/storage of tenant's belongings in their absence and for the eventual return or disposal of these belongings. However the charges are to be paid in respect of (storage) of this property before it is delivered to the tenant.
- 6.2 While the Co-operative may store property for 4 weeks after the tenancy has been terminated, it should be noted that the Co-operative may dispose of this property, if the tenant has not arranged for its delivery, to the tenant before the expiry of such period as the order may specify, or the value of the property is less than the costs to the Co-operative for storing it as well as any outstanding rent arrears owed by the tenant.
- 6.3 The Co-operative will keep a register of properties where such property has been found. This register will be available for public inspection at reasonable times. Properties will remain on this register for 5 years after the tenancy has been repossessed.

7. Tenants' rent of appeal

- 7.1 A tenant of the Co-operative whose house has been repossessed in accordance with these procedures has a right of appeal to court within 6 months of the repossession. 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. Given that the Co-operative's properties are let quickly, in practice the property will have been re-let and no other suitable accommodation available. In this instance the Co-operative would be required to make an offer of the next suitable property which becomes available to let to the ex tenant.
- 7.2 A joint tenant whose interest in the tenancy has been brought to an end in accordance with these procedures has a right of appeal to court within 8 weeks after their interest has been brought to an end.

- 7.3 The Co-operative will advise tenants and joint tenants of their rights regarding such appeals.

8. Policy reporting

- 8.1 A report on the number of suspected and confirmed abandoned tenancies will be submitted monthly to the Board.

9. Policy review

- 9.1. This policy shall be reviewed every three years or sooner as deemed necessary by the Board. The success of the policy shall be measured against the following outputs and outcomes:

OUTPUTS	OUTCOMES
Report to Board	Board and staff raise awareness of issue and proactive action taken to minimise incidences of abandoned tenancies. Tenants awareness of tenancy conditions/requirements to give notice of termination/requirement to use property as principle home.