

# Abandonment policy

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## 1. Introduction

1.1 A home is abandoned when the tenant has left it to live permanently elsewhere without giving us the proper notice to end the tenancy.

1.2 This policy sets out our overall approach to abandoned homes and covers:

- When we consider a home as abandoned
- How we deal with abandoned homes
- How we deal with abandoned possessions and vehicles

1.3 This policy has links to some of our other policies, and we've thought about these links when reviewing the policy. This policy should be read in conjunction with our:

- Communal Areas Fire Safety policy
- Former Tenant Arrears Policy
- Parking Policy (including Abandoned Vehicles)
- Non-tenants and Fraud Policy
- Lettings Policy
- Lettings Policy (C&SH)
- Mutual Exchange Policy
- Unauthorised Occupants Policy
- Empty Homes Policy

## 2. Scope

2.1 This policy applies to all Peabody Group (and subsidiary) residents including general needs; supported and sheltered housing; market, affordable and intermediate rent tenancies.

2.2 The communal areas section of this policy also applies to freeholders, leaseholders and shared owners. If a property appears to be abandoned, we will notify the mortgage lender.

## 3. Key terms and definitions

3.1 Abandonment is when we suspect a customer has ceased living at the property.

3.2 A Notice of Seeking Possession (NOSP) is a legal notice issued by a landlord, advising a tenant that it intends to seek possession of the property.

3.3 A Notice to Quit (NTQ) is a legal notice enabling the tenant or landlord to terminate a tenancy.

3.4 A Torts Notice is a legal notice that is served when there are possessions abandoned in the premises or communal areas.

3.5 A Section 21 Notice Requiring Possession is a legal notice enabling the landlord to repossess an assured shorthold property without having to establish fault on the part of the tenant.

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## 4. Our approach

### 4.1 Identifying abandoned homes

- 4.1.1 We investigate all reports that one of our homes has been abandoned, including where we suspect this has happened. For example, unusual behaviour on the tenants' part that indicates they no longer live at the address.
- 4.1.2 Tenants are required by our tenancy agreements to live in their home. We consider a home as abandoned where:
- The tenant no longer lives at the home as their only or principal home
  - The home has been fully sub-let
  - The tenant has left but has not ended the tenancy correctly. For example, we have received the keys back without notice.
- 4.1.3 Where we find a home is empty, we will not automatically end the tenancy. To start with we will investigate whether the home has been abandoned. Initial investigations involve checking information linked to the tenancy, such as rent payments and responses to communications from us. These are set out in the Abandonment Procedure.
- 4.1.4 If we still suspect that a property has been abandoned, and we have not already done so, we will carry out a home visit to investigate whether the tenant is living in the home as their only or principal home.
- 4.1.5 We will investigate instances where the tenant states that they have abandoned the property due to them being a victim of antisocial behaviour or domestic abuse at the abandoned property.
- 4.1.6 Where appropriate we will install security screens to secure the property if it appears to be abandoned or is at risk of squatting. If we manage to contact the tenant, we will try to find out whether they intend to move back and use it as their only or principal home or, if not, ask them to end their tenancy.
- 4.1.7 If we find that the tenant has died, we will follow the Ending a Tenancy Policy.

### 4.2 Dealing with abandoned homes

- 4.2.1 Where we do believe that a home has been abandoned, we will take legal action in line with the tenancy agreement and this policy to attempt to regain possession of the home. We will initially send the tenant(s) a warning letter giving them 10 working days to contact us before we start legal action to recover possession of the home.
- 4.2.2 Where we believe that an assured or secure tenant has abandoned their home, we will serve a Notice to Quit (NTQ) to end the tenancy if it is clearly abandoned. We will also serve a 'without prejudice' Notice of Seeking Possession (NOSP) in the event that the tenant does respond to us. Once the notices have run their course, we will enter the property to assess whether it is abandoned. If we consider it might not be abandoned, we will regain possession of the home by ending the tenancy through a court order. unless the property is clearly abandoned, in which case we will simply take possession.
- 4.2.3 Where we believe that a fixed-term assured shorthold tenant has abandoned their home we may serve a Notice of Seeking Possession using ground 12 together with a 'without prejudice' section 146 Forfeiture Notice. Where we believe a periodic assured shorthold tenant has abandoned their home, we may serve a Section 21 Notice Requiring Possession in the

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alternative or in addition to other Notices. We will seek to regain possession through the courts unless the property is clearly abandoned, in which case we will simply take possession.

- 4.2.4 If we take legal action and the tenant returns to live in the property as their sole and principal home, prior to expiry of the Notice to Quit served, we may allow the tenant to continue their tenancy depending on the circumstances in each instance. However, where the property had been sublet, we would not ordinarily exercise our discretion to allow the tenancy to continue. If we allow a tenancy to continue but the tenant abandons the property again within 12 months of returning to occupy, we may rely on the original Notice to Quit and continue proceedings or serve new notices and start legal proceedings to recover possession.
- 4.2.5 If the tenant returns to the property once we have regained possession of the home and ended the tenancy with a court order, we may in exceptional circumstances, such as where a tenant has evidence of inability to make contact, we may decide to provide accommodation on a discretionary basis.
- 4.2.6 Where a home has been abandoned and we have ended the tenancy but find there is still someone living in the property, such as an unauthorised occupier, we will ask them to leave. If this does not happen, we will take appropriate action to regain possession of the property.
- 4.2.7 We will treat any goods or possessions that remain in a home following the end of a tenancy due to abandonment as abandoned. We will deal with these in line with our Empty Homes Abandoned Goods Policy, except that we may serve the Tort notice while we are taking legal action.

### 4.3 Abandoned possessions in a property

- 4.3.1 We will make a full inventory and take photographs of the items left at the property after the tenancy has ended or the property is confirmed as abandoned before any action is taken.
- 4.3.2 To establish what action to take on abandoned possessions, we will consider the monetary and sentimental value of items. Items with little or no value (such as food, and broken furniture) will be disposed of immediately without serving a Torts Notice, once appropriate records have been made.
- 4.3.3 Any goods considered that could be considered a fire hazard or potential health and safety hazard will be removed and disposed of immediately.
- 4.3.4 As agreed and signed by the departing tenant in the Ending a Tenancy Form, we have the right to dispose of any goods left behind, considered of value or not, once the tenancy has ended.
- 4.3.5 In cases where the tenancy has ended due to eviction, abandonment or death of a resident or where the departing tenant has not signed the Ending a Tenancy Form, a Torts notice will be served for the abandoned goods.
- 4.3.6 We will not serve a Torts Notice until after the termination of the tenancy and the property is vacant. In the case of an eviction, tenants will be advised in advance that all possessions must be removed by the specified date.
- 4.3.7 A Torts Notice will be served at the tenancy address (or other known addresses), advising the former tenant that the possessions are available and we will dispose of or sell the possessions if they are not collected by a specified date.

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- 4.3.8 Where the tenant is deceased, the Torts Notice will be addressed to the administrator or executor, where appointed, or the personal representative.
- 4.3.9 If more than one person comes forward to claim abandoned goods, or the proceeds from the sale of abandoned goods, we will not be responsible for deciding who receives those goods or proceeds. If one person has proof of eligibility, for example a probate stating their entitlement, we will act in line with it. If there is no clear entitlement, we will advise the parties in dispute that it is their responsibility to either come to an agreement or, where this is not possible, a court to decide.
- 4.3.10 We may use monies obtained from the sale of possessions to clear any debt the former tenant owes us.
- 4.3.11 We will not sell abandoned goods to staff, including our contractors.
- 4.3.12 Where an agreement is in place with the former tenant that we will dispose of their possessions, the costs for removal and or storage will be recharged to them.
- 4.3.13 For abandoned possessions in communal areas please refer to the Communal Areas Fire Safety Policy

## 5 Equality, Diversity and Inclusion

- 5.1. An Equality Impact Assessment (EqIA) has been completed for this policy, and ongoing monitoring of residents' protected characteristics will be conducted to identify any adverse impact and future actions.

## 6 Legislation and Regulation

- 6.1. Legislation relating to abandoned homes, abandoned goods and vehicles are covered by the following Acts:
- The Protection from Eviction Act 1977
  - Housing Act 2005
  - TORTS (interference with Goods Act) 1977
  - Protection of Freedoms Act 2012
  - Anti-Social Behaviour, Crime and Policing Act 2014
  - Regulatory Reform (Fire Safety) Order 2005

## 7 Responsibilities

- 7.1. The Managing Director (North Counties) has overall accountability for this policy and implementation.
- 7.2. For Town and Country Housing, the Operations Director has responsibility for implementation of this policy.

## Approval

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<b>Effective from</b>	25/10/2025

## Abandonment policy

<b>Policy owner</b>	Managing Director (North Counties)