

WHAT HAPPENS TO GOODS ABANDONED BY A TENANT?

When a tenant abandons the property and leaves considerable property behind, it's tempting to think you can throw it all in a skip and re-let the property. However, there are a few steps that must be followed before that can happen.

Once the tenancy has been terminated in accordance with the **Residential Tenancies and Rooming Accommodation Act (2008)**, the question of dealing with the abandoned goods must be resolved.

Take stock:

Firstly, you must photograph and list everything the tenant may own, no matter how small and insignificant. Take care to note all model numbers and serial numbers. Also note the general condition of all items that you document. The inventory must be signed and dated, kept on file and stored electronically along with the comprehensive photographic evidence.

Can you sell the goods?

You can sell the abandoned goods if:

- The market value of the goods is less than \$1500
- Storing the goods would be unhealthy or unsafe or would cause the market value of the goods to completely or substantially depreciate
- The cost of removing, storing and selling the goods would be more than the proceeds from the sale of the goods.

What if you are not allowed to sell the goods?

So, if the above conditions are not satisfied (ie if the goods are worth more than \$1500, or there is no problem with storing the goods) then you must store the goods safely for one month, preferably at a storage facility.

If the goods are claimed:

If the goods are being stored for the month and the tenant returns to claim the goods, you must allow them to reclaim their goods in exchange for paying the reasonable costs for removal and storage of the goods. If they don't pay the reasonable cost of removal and storage then generally speaking you don't have to release the goods.

If the goods are not claimed:

If you have stored the goods for a month, and the month passes without the goods being claimed by tenant, then you can sell them by auction. You have to put an auction notice in the newspaper at least seven days prior to auction. The notice must describe the goods being sold and their condition. If you want to sell them by means other than auction, then you have to apply to QCAT for permission.

After the goods have been sold:

Once the goods have been sold, you can then deduct the cost of removing, storing and selling the goods from the proceeds of the sale. The balance of the sale proceeds must be paid to the Public Trustee within 10 days of the sale.

If you get it wrong:

Whether you're a landlord (lessor) or a property manager there are penalties for not managing abandoned goods correctly and in accordance with the Act.

Punishment can be 40 penalty units or \$4712. It is also possible that complaints could be made to the Office of Fair Trading by tenants or the owners of abandoned goods. In addition, civil claims can be issued.

The legislation that covers this is the **Residential Tenancies and Rooming Accommodation Act (2008)** and is available online. This advice is general advice and is only intended as a guide.

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