

Abandoned Properties Policy

Responsible Manager	Manager, Housing
Head of power	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i> <i>Housing Act 2003</i> <i>Housing Regulation 2003</i> <i>Residential Tenancies and Rooming Accommodation Act 2008</i> Social Housing Policy
Authorised by	Council
Authorised on	30 June 2021
Implemented from	July 2021
Last reviewed	2021
Review history	2017
To be reviewed on	June 2023
Corporate Plan	People, Sustainability and Prosperity

1. Purpose

Council is strongly committed to ensuring that the local government principles are reflected in the Abandoned Properties Policy.

1.1 Overview

This policy sets out the principles to be followed when a property is deemed abandoned. As a social housing provider under the *Residential Tenancies and Rooming Accommodation Act 2008*, Torres Strait Island Regional Council is committed to providing a supportive tenancy management service to assist tenants to successfully sustain their tenancies. Our aim is to ensure Council is pro-active in its responses to tenancy management to support tenants but also to ensure compliance with the RTA regulations.

2. Application

This policy applies to all tenants, Council Officers, Councillors, contractors, agents and assigns of Council.

3. Legislation/Policies

This policy is established with reference to obligations specified in the *Housing Act 2003*. This policy is to be applied in conjunction with Appeals Policy.

4. Provisions

- a) When a property is suspected of being abandoned, Council will attempt to contact the tenant to determine if the tenant:
 - i) is absent; or
 - ii) requests a temporary absence; or
 - iii) requests the tenancy to be terminated.
- b) If the tenant does not provide Council with any information as to their future plan for the tenancy or is unable to be contacted, Council will follow the abandonment process as prescribed by the Residential Tenancies Authority (RTA):
 - i) issue an Entry notice (Form 9) and affix the notice to the house; and
 - ii) if the tenant has a forwarding address, send the document to tenant; and
 - iii) 24 hours after entry notice is served, Council assesses whether abandonment has occurred; and
 - iv) If abandonment has occurred, issue an Abandonment termination notice (Form 15) and affix the notice to the house; and
 - v) If the tenant has a forwarding address, send the document to tenant.
- c) If the tenant does not contact Council within seven days of the notice, the tenant is assumed to have abandoned the property and the tenancy agreement automatically terminates. Once the tenancy is terminated Council will cease rent charges.

- d) If the tenant disputes the abandonment notice, the tenant can lodge an application to the Queensland Civil and Administrative Tribunal.
- e) In circumstances where there is good left behind in the property, Council will manage the disposal of goods as prescribed by the RTA.
- f) Following termination of the tenancy, Council will allocate a new tenant in accordance with Allocation of Housing Policy.

Manager Responsible for Review:

Manager, Housing



Hollie Faithfull

A/Chief Executive Officer

Adoption: 30 June 2021

Due for Revision: 30 June 2023