

Fact Sheet 13:

Abandoned property and goods



www.nsclegal.org.au

As a tenant you have rights under *the Residential Tenancies Act 1987* (the Act). This fact sheet explains the law in Western Australia relating to abandoned property and goods and incorporates the changes made to the Act, which came into effect on 1 July 2013.

What happens if you abandon a property?

If you abandon a rental property your tenancy agreement will come to an end. You should let the lessor know if you are planning on not being at the property for an extended period of time.

If the lessor suspects that you have abandoned the property they can give you written notice stating that if you do not let the lessor know that the property has not been abandoned **within 24 hours** of receiving the notice, then the lessor can enter the property to inspect and secure it.

If you do not contact the lessor, you may be given a second notice stating that the tenancy agreement will be terminated if you do not contact the lessor or dispute the notice **within 7 days** or the lessor can also apply to the Magistrates Court for an order declaring that you have abandoned the property. The lessor can also apply to the Magistrates Court for an order that you pay compensation for any loss, for example rent that you owe.

What are abandoned goods?

These are goods that you have left at a rental property after a tenancy agreement has ended.

If any of your goods are perishable foodstuffs or the goods are of little or no value, the lessor can apply to the Department of Commerce for a certificate allowing them to dispose of the goods.

If the goods are of some value then the lessor must

store the goods for at least **60 days** and give you written notice within the first 7 days of the 60 day storage period (if the lessor has your forwarding address) and place a notice in the newspaper that circulates throughout Western Australia.

What are abandoned documents?

The lessor must store any documents that you leave behind at the end of the tenancy. The lessor must look after the documents for **60 days** and take reasonable steps to contact the tenant to arrange collection of the documents. Documents include official documents, photographs, correspondence or any other documents you would expect a person would want to keep.

Claiming goods/documents before disposal

You can reclaim your goods and/or documents before the **60 days** end but you will be liable for the costs associated with removal and storage. This applies to personal document to. Payments are to be reasonable and payable to the lessor.

How are the goods/documents disposed?

After **60 days** the lessor may sell the goods at a public auction or the lessor can destroy and dispose of documents in in any lawful manner that does not result in personal information becoming public.

What happens to the proceeds of the auction?

The lessor may deduct from the proceeds of the sale any money you owe to her/him as well as the cost of removal and storage of the goods.

If you have any questions about the topics discussed in this fact sheet please contact your local tenancy advocate or the Department of Commerce on 1300 30 40 54 or go to www.commerce.wa.gov.au

METROPOLITAN: Fremantle Community Legal Centre (Fremantle) (08) 9432 9790 www.fremantle.wa.gov.au | Gosnells Community Legal Centre (Gosnells) (08) 9398 1455 www.gosclc.com.au | MIDLAS (Midland) (08) 9250 2123 www.midlas.org.au | Northern Suburbs Community Legal Centre Inc. Mirrabooka: (08) 9440 1663 Joondalup: (08) 9301 4413 www.nsclegal.org.au | SCALES, Rockingham: (08) 9550 0400 www.law.murdoch.edu.au/scales | Sussex Street Community Law Service Inc. (Victoria Park) (08) 6253 9500 www.sscls.asn.au | Welfare Rights & Advocacy Service (Perth) (08) 9328 1751 www.wraswa.org.au **REGIONAL:** Albany Community Legal Centre Inc. Albany: (08) 9842 8566, Free call: 1800 606 060 www.albanyclc.com.au | Agencies for South West Accommodation (ASWA) Bunbury: 08 9791 1877 www.glcl.com.au | Geraldton Resource Centre (Geraldton) 08 9938 0600 www.grc.asn.au | Goldfields Community Legal Centre Kalgoorlie: (08) 9021 1888 www.glcl.com.au | Kimberley Community Legal Services Kununurra: (08) 919 3100 Free Call: 1800 686 020 | Peel Community Legal Service Inc. (Mandurah) (08) 9140 1613 www.peelclc.com.au | Pilbara Community Legal Service Karratha: 08 9185 5899 Newman: 08 9177 8708 Roeburne: 08 9182 1169 South Hedland: (08) 9140 1613 | Wheatbelt Community Legal Centre Inc. (Northam) (08) 9622 5200 www.wheatbeltclc.com.au | State wide legal telephone advice line Metro: (08) 9221 0088 Regional: 1800 621 888

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