



ABANDONED GOODS - SECTION 97, RESIDENTIAL TENANCIES ACT 1995

- (1) If a residential tenancy terminates or is terminated, and goods are left on the premises that were subject to the tenancy, then:-
- (a) the landlord may, when at least two days have passed since the landlord took possession of the premises, remove, and destroy or dispose of, goods:-
 - (i) if they are perishable foodstuffs; or
 - (ii) if their value is less than a fair estimate of the cost of their removal, storage and sale; but
 - (b) if the goods are not liable to destruction or disposal under paragraph (a), the landlord must store the goods in a safe place and manner for at least 60 days.
- (2) The landlord must, within seven days after storing goods or having goods stored under this section:-
- (a) give notice of the storage of the goods to:-
 - (i) if the tenant has left a forwarding address - the tenant; and
 - (ii) if another person has, to the knowledge of the landlord, an interest in the goods and the person's name and address are known to, or reasonably ascertainable by, the landlord - that person; and
 - (b) publish notice of the storage of the goods in a newspaper circulating generally throughout the State.
- (3) A notice must be in the form prescribed by regulation for the purposes of this section.
- (4) A person who is entitled to possession of goods stored under this section may reclaim the goods by paying to the landlord:-
- (a) the reasonable costs of removing and storing the goods; and
 - (b) the reasonable costs of giving notice under subsection (2)(b); and
 - (c) any other reasonable costs incurred by the landlord as a result of the goods being left on the premises.
- (5) If the goods are not reclaimed within the 60 day period, the landlord must, as soon as practicable after the end of that period, have the goods sold by public auction.
- (6) On the sale of the goods by public auction, the landlord:-
- (a) may retain out of the proceeds of sale:-
 - (i) the reasonable costs of removing, storing and selling the goods; and
 - (ii) the reasonable costs of giving notice under subsection (2)(b); and
 - (iii) any other reasonable costs incurred by the landlord as a result of the goods being left on the premises; and
 - (iv) any amounts owed to the landlord under the residential tenancy agreement; and
 - (b) must pay the balance (if any) to the owner, or if the identity and address of the owner are not known to, or reasonably ascertainable by, the landlord, to the Commissioner for the credit of the Fund.
- (7) If goods are sold by public auction under this section, the purchaser acquires a good title to the goods which defeats:-
- (a) the tenant's interest in the goods; and
 - (b) the interests of others (apart from the tenant) unless the purchaser has actual notice of the interest before purchasing the goods.
- (8) If a dispute arises between a landlord and tenant about the exercise of powers conferred by this section, the Tribunal may, on application by either party to the dispute, make orders resolving the matters in dispute.

For advice contact the Tenancies Branch on 8204 9544