

# Retrieving goods left behind

## Information for tenants

If you move out or are evicted from your rental property and you leave behind some of your goods or personal documents the law sets out how the landlord or agent can deal with them and how you can get them back.

You should contact the landlord or agent as soon as you can. That way, there is less risk that your goods or personal documents will be damaged, removed or disposed of. The sooner you collect the items the less you may have to pay to cover storage costs.

## Rubbish and perishable items

If you leave any rubbish or perishable items on the property, the landlord or agent may dispose of them immediately. For example, a broken chair and a pile of old newspapers or perishable food left in a cupboard and dying pot plants in the yard. They do not have to notify you or get your consent to dispose of such items.

## Notice required

If you have left items other than rubbish behind (goods of value) the landlord or agent must attempt to notify you. They need to try to contact you and let you know that they have your goods and will dispose of them after a certain time if you do not collect them. The landlord or agent can do this in writing (to your forwarding address if they have it, or to the rental property in case you have arranged for your mail to be redirected), in person or over the telephone. If after 2 days the landlord or agent has not been able to contact you, they are able to leave a notice on the premises (eg. stuck to the front door).

## Goods of value

Goods of value could include such things as furniture, electrical items and clothing. If you have left goods behind of this nature, the landlord or agent needs to store them in a safe place. This could be on the premises or somewhere else. They are only required to keep these goods for 14 days from the day they notify you to come and collect them.

## Personal documents

Different rules are in place when dealing with your personal documents. Personal documents are defined under the Act as being:

- a birth certificate, passport or other identity document
- bank books or other financial statements or documents
- photographs and other personal memorabilia (eg. medals and trophies)
- licences or other documents conferring authorities, rights or qualifications.

The landlord or agent should keep personal documents left behind in a safe place for at least 90 days from the day they give you notice.

## Reclaiming your goods and documents

You, or anybody else with a legal interest in the goods (eg. your ex-housemate or a goods hire company) can reclaim the goods at any time they remain in the landlord or agent's possession. A suitable time and day for collection needs to be agreed upon. The landlord or agent cannot refuse to return your belongings, even if you owe rent or money for some other reason.

You may have to pay an occupation fee to cover storage expenses if sufficient goods were left behind to prevent the landlord or agent renting the premises to somebody else.

An occupation fee equal to a day's rent can be charged for each day the goods are held, whether they are stored on the premises or elsewhere. However, only a maximum of 14 days occupation fee can be charged even if the goods are held for longer.

## Disposal of unclaimed items

If you fail to reclaim your goods of value within the 14 days, the landlord or agent may dispose of them in any of the following ways:

- donating the goods to charity (eg. leaving clothes in a clothing bin or arranging for furniture etc to be collected)
- disposing of the goods in a lawful manner (eg. taking them to the tip or organising a council collection)
- keeping the goods in the property if they are useful fixtures and fittings (eg. curtains)
- selling the goods for fair value and giving the proceeds to you (less any occupation fee and the reasonable costs of the sale).

Unclaimed personal documents can be disposed of after the 90 days in an appropriate manner, such as by being returned to the issuing authority (wherever possible), or shredded.

## Resolving disputes

If the law is correctly followed there is no action you can take against the landlord if your goods or personal documents have been donated, disposed of or sold.

However, if the law is not followed you may seek compensation from the landlord or agent through the Tribunal for any losses.

If the landlord or agent refuses to return goods or personal documents, you can apply to the Tribunal for an order that the items be returned to you.

If your goods have been sold and the proceeds of the sale have not been passed on to you an application can be made to the Tribunal.