

GOODS LEFT BEHIND POLICY

Statement of Policy

Eastcoast Housing will ensure that all its legal obligations under the Residential Tenancies Act are fulfilled when renters leave possessions behind.

Eastcoast Housing will make every effort to contact renters who have left possessions behind so that they can be given the opportunity to retrieve them in a reasonable time frame.

When dealing with goods left Eastcoast Housing will also be also take into consideration its obligation to prepare abandoned or empty properties for incoming residents as quickly as possible and not leave properties empty for extended periods of time.

Contents

Statement of Policy	1
1. Background Information	3
2. Value of goods left behind	3
3. Costs	4
4. Claims to VCAT	5
5. Try to contact the former renter	5
6. Inspection.....	5
7. Personal Documents	6
8. Other Goods Left Behind	7

1. Background Information

There has been considerable concern expressed about the number of community housing properties that are vacant at any one time. This is particularly important to address at a time of long waiting lists and rising public homelessness. The reasons for properties being vacant are varied but major contributors are slow maintenance processes, delays in filling vacancies by support organisations with nomination arrangements and delays due to housing organisations waiting for completion of Goods Left Behind inspection reports by Consumer Affairs Victoria (CAV). The latter is one cause that is more readily addressed.

The Residential Tenancies Act (RTA) Review has recognised that the current procedures are cumbersome and outmoded (in particular, the references to placing advertisements in newspapers and arranging public auctions) and should be streamlined and modernised. They have developed options to ensure procedures for goods left behind align with contemporary communication and selling practices, and to enable renters to recover goods left behind in a reasonable timeframe, without placing unreasonable burdens on Residential Rental Providers. Any changes, however, are unlikely to be in place until 2018.

The former renter can apply to VCAT for compensation if they suffered loss because the Residential Rental Provider did not follow the goods left behind procedures in the RTA. If VCAT finds that a Residential Rental Provider is liable for goods they disposed of, but the Residential Rental Provider relied on a CAV assessment when disposing of the goods, VCAT can order that compensation be paid to the Residential Rental Provider from the Residential Tenancies Fund.

Discussions between CAV and CHFV (now CHIA Victoria) indicate that many inspections are being done needlessly because the goods left behind do not have nearly this much value.

2. Value of goods left behind.

CAV inspectors are not valuers and do not provide a valuation, rather they provide an opinion of the value of goods. CAV inspectors attend public auctions and build knowledge through work and personal experience. The combined value of goods left behind must be assessed in light of potential sale values at public auctions.

As a basic guide, most people would accept that broken items, soiled/used clothing, bedding, Manchester, and footwear are items of little or no value. If one-off designer items or high-end brands clearly in very good condition were found, they may have some value. It would require some initial research or a subsequent inspection.

Anecdotally, antiques are currently of limited value, and unless it can be proven that an item is something which has intrinsic historical merit then it can be viewed as ordinary furniture, which is worth very little at auction.

Cars, unless in good condition and mechanically sound, are usually low value or, at worst, scrap metal prices. If a possible collectable vehicle is left at a property, it should be regarded as having some significant value. Again, most people would realise that the most common vehicle brands are of limited value, particularly if they are older models, not working, have the interior removed, are full of rubbish, have panels/wheels missing etc. (as is often the case). If a vehicle that is left behind appears, on the face of it, to be fairly good, a check can be conducted through the Personal Property Register. This may assist in the collection of the vehicle expediently.

Fridges/freezers/kitchen utensils, washing machines/dryers, computers, TV's, toys, and DVD/CD 6 players are generally of little value. A high-end fridge/washing machine/dryer that appears new(ish), and is in very good condition, may have some value.

DVD's/CDs are of limited value and there are some second-hand dealers that offer minimal amounts even for large quantities. Vinyl records have undergone a resurgence in popularity in recent times and can be expensive to purchase new. Collectors may pay large sums for old records dependent on the artist. Modern/new artists often record digitally and then put out vinyl, however it is CD quality on vinyl so of limited appeal to the audiophiles.

3. Costs

CAV reports the following regarding the cost of removal, storage, and advertising:

- Costs of Removal: ~ \$110-140 per hour (2 removalists/truck).
- Storage: ~ \$110 (0.5 sq. m.) - \$132 (9 sq. m.) per month (storage costs will depend on geographical location and size of storage unit).
- Advertising: The Regulations prescribe three forms - Forms 13, 14 and 15, which set out the format and wording for each advertisement. Generally a Residential Rental Provider will only need to place two advertisements as the former occupiers new address is either known or not known. The Herald-Sun (currently) charges \$16.45 per line - (26 characters which includes punctuation, spaces etc). The Age may have similar advertising costs. As an example, one 'line' on Form 13 contains in excess of 60 characters, therefore each line would cost upward of \$60.00. There are 26 lines, not including a description of the goods left behind. Based on these estimates, a Residential Rental Provider could potentially pay in excess of \$1500.00 for that advertisement alone (conservative estimate as there could be more than ten lines of listed goods if it is a house lot).
- Estimated total costs for the Residential Rental Provider (not including loss of rent and cleaning costs) could amount to \$3,500.00 or greater.

Obviously, costs are dependent on the location and volume of goods so these figures are very general and should only be used as a guide. Independent quotes should be obtained locally. Section 384 of the Act states in part " ... (2) If goods of monetary value have been left behind, the owner of premises may remove and destroy or dispose of those goods if the total estimated cost of the removal, storage and sale of all those goods combined is greater than the total monetary value of all those goods combined".

The tipping point between an outcome of “dispose and destroy” or “store and sell” is reliant on the estimated costs as listed above and the estimated value of the goods left behind. Each CHO needs to make their own assessment of the threshold at which the value of left goods exceeds these costs. This will need to be based on their own local costs for removal, storage, and the cost of advertising in a newspaper circulating state-wide. A figure of \$2,000 would certainly be a safe estimate to use. Goods left behind with a total value less than this could be disposed of.

4. Claims to VCAT.

Number of claims made by renters VCAT advises there are few claims for compensation made and that there is no differentiation between Residential Rental Provider or renter applications. VCAT suggests that it is likely that the majority of these applications are made by Residential Rental Providers. CAV receives very few VCAT compensation orders for payment from the RT Fund, effectively mirroring VCAT's statistics. The claims that have been received to be paid from the RT Fund over the last 4-5 years are negligible - less than \$2,000 per annum. Again, it is likely that most of these claims are made by Residential Rental Providers.

5. Try to contact the former renter

Where a renter leaves or abandons a property leaving goods behind, every effort must be made to contact the former renter using all of the methods below, if necessary:

- Telephone calls
- SMS messages
- Email
- Via next of kin
- Via support agencies (if applicable)

If a disclaimer form has been signed by the former renter there is no need to do this.

6. Inspection

If there has been no success in contacting the former renter after 3 business days, an inspection of the property should be conducted. This should be done by two staff so that they act as witnesses for each other, and to assist each other in video documentation. If a disclaimer form has been signed by the former renter, then the inspection can be done immediately.

An assessment of the safety of the property should be made. If there are any dangerous substances or objects, the property should be secured, and professional contractors engaged to remove these before the inspection resumes.

Once safety has been ensured, the housing workers should take a non- stop video after they enter the property, going from the front door through every room, and opening every drawer and every cupboard door and every box during the process. They should then take still photos of all goods left behind.

All perishable foodstuffs should be removed.

A search for personal documents and goods of value should be conducted, including the contents of any drawers, cupboards, and boxes.

If there are goods present that seem to be stolen or belong to someone else, report this to the Police.

For any rental appliances (e.g., pay television equipment) ring the firm and tell them they can collect them.

7. Personal Documents

Section 380 of the RTA.

Personal documents should be boxed and taken for storage. These include:

- Passport; marriage certificate; birth certificate.
- Loose photographs or photos contained in albums; photographs on walls.
- Images on still and video cameras,
- Letters; accounts/bills.
- School, educational or trade certificates
- USB sticks, video cassettes, tape recordings, DVDs, material on computer hard drives, books, and drawings
- “Any other document which it would be reasonable to expect that a person would want to keep”, e.g., sporting trophies, awards

Personal documents must be stored in a secure location, safe from damage, theft, or the effects of the weather.

Reasonable efforts must be made to contact the ex-renter to notify them when and where the personal documents can be collected.

- Telephone calls
- SMS message
- Letter to last known address (usually the abandoned property, but they may have had their mail redirected)
- Email
- Via next of kin
- Via support agencies (if applicable)

The ex-renter, or person with a right to the documents, can reclaim the documents by paying the Residential Rental Provider’s reasonable costs of removal, storage and notification. If there is a dispute as to who is the person who has a rightful claim against the personal documents, VCAT can hear and determine the ownership.

Note: It may be an offence under certain legislation of the State and Commonwealth to destroy certain documents. Passports found in abandoned premises cannot be disposed of or destroyed, and must be passed to the Police, as they always remain the property of the Government pursuant to

section 61A of the Passports Act 1938, which states “Australian passports to remain property of Commonwealth”. Other official documents like driver’s licences and other licences should also be given to the Police or the issuing authority. Other official documents should be given to the issuing authority (e.g., driver’s licences to VicRoads, bank books/cards to the bank), or should be given to the Police.

After 90 days all other personal documents must be destroyed. Paper documents should be shredded, and computer hard drives should be destroyed by punching a nail through them before disposal. “Personal documents” may not be kept by the organisation or individuals.

8. Other Goods Left Behind

Staff should assess whether there are any goods of value. These could include:

- Clothing - one-off designer items or high-end brands clearly in very good condition
- Furniture with antique value and intrinsic historical merit
- Motor vehicles in good condition and mechanically sound, or collectible vehicles
- New or near-new large electrical appliances
- Jewellery with collector value
- Vinyl records with collector value in good condition
- Any other items with obvious value.

If the estimated total value of the above is less than \$2,000.00 then all the goods in the property may be disposed of. Costs incurred for removal of goods and/or rubbish from the property can be sought from the former renter or through VCAT via an application for a compensation order or an application for access to the bond.

If the estimated total value of the above is more than \$2,000.00 then an inspection by CAV should be arranged using the Request for inspection of goods left behind form at the end of these procedures.

A CAV inspection should also be requested if:

- The renter has been troublesome during their residency.
- If the renter is in jail. Attempts to deal with the left goods should also be made through the social work department of the jail.

Before the CAV inspection remove perishable foods, soiled nappies, animal excrement and any OH&S hazards, e.g., syringes, from the property. Exterminate any vermin, fleas, or other pests. Make sure that all the left goods are accessible. They should not be tightly packed into one room or garage or stacked in a way that prevents safe access. If the CAV report states that the goods may be removed for destruction or disposal then the goods may be disposed of. Costs incurred for removal of goods and/or rubbish from the property can be sought from the former renter or through VCAT via an application for a compensation order or an application for access to the bond.

If the CAV report states that some goods must be stored and sold according to Part 9 Division 3 of the RTA, then the goods not listed may be disposed of. The goods that are listed by CAV must be stored for a minimum of 28 days.

- If the former renter has provided a forwarding address write to them in 7 days advising that the goods are being stored and asking them to contact to arrange collection of the goods. Use the words in Form 133 – can be found at the end of these procedures.
- If the former renter has not provided a forwarding address, then place an advertisement in 7 days in a general circulation Victorian newspaper. Use the words in Form 144 – can be found at the end of these procedures.
- If there is no response from the former renter within 28 days, arrange for the goods to be sold.
- Any proceeds from the sale may be used to meet the reasonable costs of removal, storage, advertisement, and sale of goods. This should be done through an application to VCAT for compensation.
- Any funds remaining from the sale of goods should be retained as a credit on the former renter's vacated account and be provided to the former renter if and when contact is made.

NB: The Residential Rental Provider must deal with any proceeds from the auction, after deducting their own expenses, in accordance with the Unclaimed Money Act 2008 (lodging it with the State Revenue Office) and may appeal to VCAT for compensation from the Residential Tenancies Fund for any deficit.

If the former renter makes contact with Eastcoast Housing after the 28 day period but prior to the sale of the goods, terminate any action to sell the goods and arrange for the former renter to collect the goods. Any reasonable costs incurred in the collection, storage and advertising of the goods can be negotiated with the former renter.