

A Guide for Landlords Dealing with Abandoned Goods

Step 1 – Allow the tenant 2 days to remove their goods

Once a tenant has left the property, if they have not removed all of their goods then they must be allowed 2 days to do so. If they still have not removed all of their goods from the property then the landlord must deal with those goods as “abandoned goods”. A landlord may dispose of perishable items immediately. What is required of the landlord with the other items remaining there depends on the likely resale value of those items.

Step 2 – Assessing the cost of removing, storing and selling the goods

The landlord needs to get a quote from a removalist and storage facility about the costs of:

- i) packing the tenant’s goods
- ii) removal and storage of the tenant’s goods
- iii) sale of the goods

If the combined costs of removal and storage are likely to be more than the resale value of the goods then the landlord may dispose of the goods. The landlord may retain the reasonable costs of removal, storage and sale of the items. Any balance remaining must be paid to the tenant, or if their whereabouts are unknown, to the Commissioner for Consumer Affairs, to be held in the Residential Tenancies Fund until it is claimed by the tenant.

If the combined costs of removal and storage are likely to be less than the resale value of the goods, the landlord must try to contact the tenant, tell them what goods were found at the

property; store the items securely and allow the tenant up to 28 days to claim the goods.

If the landlord decides to remove the items personally, then the landlord can allow \$30.09 an hour¹ for the time it takes to pack and remove them. The cost of a trailer can also be included if one is required.

The tenant may claim their goods back during the 28 days but only if they pay the reasonable costs incurred by the landlord in dealing with the goods.

Step 3- If the tenant does not claim their goods back

If the tenant does not claim their goods back within 28 days, the landlord may sell or otherwise lawfully dispose of the property as if the landlord were the owner of the goods.

There may be costs incurred by the landlord in storing, removing or selling the abandoned goods. The landlord is entitled to keep, from the proceeds of the sale of the abandoned goods, a reasonable amount to cover these costs. If the landlord stores the goods at the premises, the landlord is entitled to keep an amount for rent and water owed under the residential tenancy agreement, unless the Tribunal has made an order for another form of compensation.

The balance (if any) must be paid to the tenant, or if their whereabouts are unknown, to the Commissioner for Consumer Affairs, to be held in the Residential Tenancies Fund until it is claimed by the tenant.

¹ This rate is derived from the *Cleaning Services Award 2020* and is subject to change. The award is available on the Fair Work Commission website: www.fwc.gov.au.

See Schedule B Wages. The rate is derived from Level 1 Casual adult employees.

Dealing with personal documents

If the tenant has left personal documents at the property, then the landlord must notify the tenant that the documents have been found on the premises. The landlord must also store these documents for at least 28 days.

If the tenant does not claim the documents, then the landlord may destroy or dispose of the documents.

Applying to SACAT

If there is a dispute about how the abandoned property was dealt with, then either the landlord or tenant may apply to SACAT to resolve the dispute.

All applications to SACAT are completed through our online application form which you can find at our website: www.sacat.sa.gov.au.

All the information you are required to provide will be contained in the online application form.

If you are unable to complete the form online, you can contact the Tribunal for assistance on 1800 723 767. You can also visit SACAT's offices at Level 4 or 7, 100 Pirie Street, and use a computer at one of SACAT's public kiosks.

Contact the Tribunal

If you would like to speak to a staff member about applications to resolve an abandoned goods dispute, please telephone SACAT on 1800 723 767 (selection option 4 and then option 1).

This information sheet does not constitute legal advice and does not relate to the circumstances of any individual matter. If you wish to have legal advice you should seek that independently.