

NORTH VIEW Housing Association

North View is a registered Scottish charity – charity registration number SC032963

POLICY

ABANDONMENT

Passed:-

25/02/2026

Review Date:

January 2029

All North View policies and publications can be made available on CD/data-to-voice, in Braille, large print and community languages.

For further details please contact us on 0141 634 0555 or email us on enquiries@nvha.org.uk

Contents

Section 1: Introduction	2
1.1 Abandonment Policy	Error! Bookmark not defined.
1.2 Scope	Error! Bookmark not defined.
Section 2: The Legal and Regulatory Framework	2
2.1 Housing (Scotland) Act 2001 & The Secure Tenancies	2
2.2 The Secure Tenancies (Abandoned Property) (Scotland) Order 2002	3
2.3 The Scottish Social Housing Charter	3
2.4 Scottish Secure Tenancy Agreement	4
Section 3: Overarching Objectives and Implementation	4
3.1 Overarching Objectives	4
3.2 Implementation	5
3.2.1 Prevention	5
3.2.2 Sustainability	5
3.2.3 Identification	5
3.2.4 Empty Property	5
3.2.5 Joint Tenants	6
3.2.6 Response from Tenant/Joint Tenant	6
3.2.7 Disposal of Furniture and Belongings	6
3.2.8 Housing Management Team Records	7
Section 4: Appeals	7

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Section 5: Complaints and Performance Monitoring 8

5.1 General Complaint Handling Procedure 8

5.2 Performance Monitoring 8

Section 6: Review 9

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Section 1: Abandonment Policy

- 1.1 North View Housing Association is committed to providing housing for individuals in housing need. When a property is empty as a result of abandonment, the Association is not in a position to maximise its housing provision for those in housing need.
- 1.2 The Abandonment Policy and associated staff procedures outline the legal framework and processes that should be followed by staff members when dealing with abandoned properties. Whilst the Association recognises that the reasons for abandonment are varied, where abandonment is suspected, we will take prompt action to repossess the abandoned property as quickly as possible.
- 1.3 This Policy applies to all current and prospective tenants and relevant staff members of the Association dealing with abandoned properties.

Section 2: The Legal and Regulatory Framework

2.1 Housing (Scotland) Act 2001 & The Secure Tenancies

- 2.1.1 Section 17 and 18 and 19 of the Housing (Scotland) Act 2001 permits NVHA to terminate a tenancy agreement where we have reasonable grounds for believing that:
- The property is unoccupied; and
 - The tenant does not intend to occupy it as their principal home.
- 2.1.2 The Act also confirms that, where a landlord has reasonable grounds for believing that a tenant has abandoned the property, the landlord can legally enter the property at any time to make the property and any fixtures and fittings secure against vandalism.
- 2.1.3 Where there is an actual or suspected emergency situation, for example a burst pipe, gas leak, fire, security risk etc, the Association may force entry prior to the expiry of the Abandonment Notice or on service of the Notice so as to minimise any potential danger to other residents.

2.1.4 Prior to this occurring every reasonable effort will have been taken to contact the tenant and known family and friends.

2.1.5 Section 17(2) of the Housing (Scotland) Act 2001 states “The landlord may enter the house at any time for the purpose of securing the house and any fittings, fixtures or furniture against vandalism”. In order to facilitate this, the Association can force open doors and locked places such as windows, outhouses and cupboards.

2.1.6 Section 19 sets out a tenants’ recourse to court by summary application within 6 months after the date of the termination.

2.1.7 Sections 20 and 21 of the Housing (Scotland) Act 2001 sets out requirements for the recovery of abandoned properties for a joint tenant and their rights of recourse to court.

2.2 The Secure Tenancies (Abandoned Property) (Scotland) Order 2002

The Secure Tenancies (Abandoned Property) (Scotland) Order 2002 (the order) is a piece of secondary legislation which states that a notice is served on the tenant regarding delivery of collection of property within 28 days.

2.3 The Scottish Social Housing Charter

Our policy also complies with the Scottish Social Housing Charter as follows:

- Outcome 1: Equalities

Social landlords perform all aspects of their housing services so that: “every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.”

- Outcome 6: Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes

Social landlords, working in partnership with other agencies, help to ensure as far as reasonably possible that: “tenants and other customers live in well-maintained neighbourhoods where they feel safe.”

- Outcome 11 - Tenancy sustainment
Social landlords ensure that: “tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations.”

2.4 Scottish Secure Tenancy Agreement

- 2.2.1 The Association’s tenancy agreement contains specific conditions regarding the tenant’s requirement to occupy the property as their principal home. Section 2.1 of our Scottish Secure Tenancy Agreement provides that, “You must take entry to the house, occupy and furnish it and use it solely as your only or principal home.”
- 2.2.2 Section 6.4 and 6.8 refer specifically to reasonable grounds for believing that the tenant, or joint tenant has abandoned the house.

Section 3: Objectives and Implementation

This section outlines the Abandonment Policy overarching objectives and how staff will implement these.

3.1 Objectives

- 3.1.1 The primary aim is to identify, repossess and re-let abandoned properties as quickly as possible to ensure that we can maximise housing provision for those in need and minimise rent loss resulting from abandoned properties. The objectives to meet this aim are to:
- Determine whether a property is abandoned and ensure that abandoned properties can be re-let quickly;
 - Maximise the opportunity for those in housing need to secure re-housing;
 - Minimise the time a property is unoccupied and minimise rent loss;
 - Reduce estate management problems arising from an unoccupied property;
 - Minimise the number of tenants abandoning properties by applying the Tenancy Sustainment Policy;
 - Maximise rental income through creating a sustainable and stable community;
 - Minimise tenancy breakdown and prevent homelessness through preventative measures, tenancy support and partnership working.

3.2 Implementation

3.2.1 Prevention

To prevent abandonments Housing Management Team staff will advise prospective tenants of their rights and responsibilities associated with managing a tenancy.

Every effort will be made by staff to allocate sensitively and support tenants to avoid possible reasons which could lead to tenants abandoning their property.

3.2.2 Sustainability

We are committed to tenancy sustainment. Staff will ensure that tenants are supported to sustain their tenancies by applying the following principles:

- **Prevention** – ensuring that prior to and from the commencement of the tenancy, steps are taken to identify issues which could affect tenancy sustainment.
- **Tenancy Support** – liaising with and signposting to appropriate agencies to ensure that individually tailored support is provided where required throughout a tenancy, catering for the changing needs of household members; and
- **Partnership Working** – establishing partnership arrangements with agencies, especially local authorities who are able to assist in sustaining tenancies where appropriate.

3.2.3 Identification

All staff will be vigilant when carrying out home visits, and general estate inspections for signs of possible abandoned properties. Staff must have regard to the welfare, safety and rights of tenants when carrying out the abandoned house procedure.

Staff will also be alerted to potential abandonment where there is constant no access to specific properties (gas safety checks, new tenant visits, rent arrears etc).

3.2.4 Empty Property

If after thorough investigation there is reasonable grounds for believing that the property is empty and the tenant(s) do not intend to occupy it as their only or principal home, a notice

will be served under the Housing (Scotland) Act 2001, sections 17-19, giving 4 weeks' notice of the requirement to confirm in writing, an intention to occupy the property.

Further investigations will be carried out during the 4 weeks notification period. Thereafter, if we are satisfied that the property has been abandoned, a further notice will be served on the tenant bringing the tenancy to an end with immediate effect. Staff can at this point take possession of the property.

3.2.5 Joint Tenants

If after thorough investigation we have reasonable grounds for believing that a joint tenant does not intend to occupy the property as their only or principal home, a notice will be served under the Housing (Scotland) Act 2001, sections 20 & 21, giving 4 weeks' notice of the requirement to confirm in writing, an intention to occupy the property.

Further investigations will be carried out during the 4 weeks notification period. Thereafter, if we are satisfied that the joint tenant has abandoned the property, a further notice will be served on the tenant bringing their interest in the tenancy to an end with effect from a specified date which must not be earlier than 8 weeks after the date of service of the second notice.

3.2.6 Response from Tenant/Joint Tenant

Where the tenant/joint tenant responds to a notice, the Housing Management Team will arrange a house visit to confirm they are living in the property or, if they are not living in the property, confirm when they intend to return.

Every effort will be made to support the tenant to remain in their home.

Where the Housing Officer confirms that the tenant has resumed occupancy, a confirmation letter will be sent to the tenant confirming the abandonment notice has been cancelled.

3.2.7 Disposal of Furniture and Belongings

If the tenant has left furniture or any other belongings, two members of staff must be in attendance to record an inventory of the items left, including photographs of every room and cupboard(s) whether or not there are belongings remaining. We are obliged to store the property left in the abandoned property for a 6 months' period unless the value of the

property left is **less than the costs for storage for this length of time**. Following the 6 months period we can arrange disposal of the belongings and arrange for proceeds from the sale to be used to cover storage costs and/or outstanding rent arrears/rechargeable repairs, where applicable.

3.2.8 Housing Management Team Records

All notices of abandonment will be clearly recorded on Homemaster and the Annual Tenancy Changes table.

Section 4: Appeals

- 4.1 Tenant's/joint tenants' who are aggrieved by the termination of their tenancy under abandonment procedures may raise proceedings by Summary Application in accordance with Sections 19 & 21 of the 2001 Act.
- 4.2 Any aggrieved tenant has the legal right to appeal to the sheriff court within 6 months from the date the tenancy was ended. The court must either grant a declarator that the notice is of no effect (where the house has not been relet) or direct the Association to make other suitable accommodation available where the house has been relet.

This will apply whenever the Association:

- Has not served a valid abandonment notice
- Did not have reasonable grounds for finding the house to be unoccupied/or that the tenant did not intend to occupy it as her/his home, or
- Acted in error in finding that the tenant did not intend to occupy the house as their home and the tenant had reasonable cause by reason of illness or otherwise for failing to notify the Association of their intention to occupy.

Notes:

1. A declarator is a declaration by the court of a person's rights;
2. Suitable alternative accommodation is defined by the Housing (Scotland) Act 2001 Schedule 2, Part 2. Essentially it is accommodation that is 'like for like' with the previous accommodation.

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Section 5: Complaints and Performance Monitoring

5.1 General Complaint Handling Procedure

5.1.1 Our complaint handling procedure was established by the Scottish Public Services Ombudsman (SPSO).

5.1.2 In accordance with housing law, we provide our tenants with information pertaining to our complaint handling process. Moreover, we also advise all service users on their right to complain.

5.1.3 A complaint is defined as:

“An expression of dissatisfaction by one or more members of the public about the housing association’s action or lack of action, or about the standard of service provided by or on behalf of the housing association”.

5.1.4 Our complaints handling process includes explicit reference to customer complaints relating to equalities issues. In addition, we have a regulatory requirement to provide information to the Scottish Housing Regulator on the number of customer complaints we receive that relate to equalities issues in the Annual Return on the Charter.

5.2 Performance Monitoring

5.2.1 To ensure that we quickly identify and tackle emerging patterns or trends, detailed information will be recorded and presented to the Management Committee on a quarterly basis.

- Abandonments will be monitored by number, area, type of property and size of property.
- Number of appeals raised and outcomes.

5.2.2 The number of abandoned properties during the year will be reported to the Scottish Housing Regulator in the Annual Return on the Charter.

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Section 6: Review

6.1 This policy will be reviewed every 3 years to ensure that the appropriate amendments are made. All staff and relevant third parties will be informed. Continuously subjecting our Policy to review will ensure that its effectiveness is maintained, and that feedback can be acted upon in a reasonable time frame.

Reviews and amendments:

Policy established - 25/02/2026

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