Housing Rights

https://www.housingrights.org.uk/landlords/tenancy-issues/abandonment

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Abandonment

This information is for private landlords of properties in Northern Ireland.

If you are a tenant, you can find advice here.

If you are a landlord or letting agent in Northern Ireland seeking advice, you can:

- send a message to Landlord Advice, or
- call 028 90 245 640 (Option 1)

Act carefully if you think your tenant has moved out without telling you.

You should not:

- enter the property, or
- throw away the tenant's items, or
- change the locks

unless the tenant tells you that you can do this.

If you do these actions without the permission of the tenant, the council can investigate.

Check for signs your tenant has moved out

In most cases, your tenants will tell you if they are moving out.

If you have not heard from them for a while, they may, for example:

- be on holiday, or

- be visiting friends or relatives, or
- have been admitted to hospital

It is best to get confirmation from the tenants themselves about what is going on if you are concerned.

Sometimes you might think the tenants have left if:

- your tenant stops replying to you
- their rent or benefit payments stop
- another landlord asks you for a reference
- your tenant sends the keys back to you or an agent
- you travel past the property and it seems to be empty
- neighbours tell you they have seen the tenant packing up

Try to contact your tenant

Try to find out from the tenant what is going on.

You can also contact the guarantor if there is one. You could do this if it has not been possible to contact the tenant for some time.

You can state that:

- you want to inspect the property, and
- you need a reply as soon as possible

Keep a record of your attempts to contact your tenant.

Visiting the property

If the tenant does not reply, you can visit the property. Do not enter the property.

While you are there, you can:

- call your tenant to explain why you are outside
- check for signs of disturbance in case your tenant needs help
- ask neighbours if they have seen your tenant recently

Bring a letter with you and put this in the letterbox. The letter should explain that:

- you're planning to do an inspection on a set date

- your tenant should contact you to confirm they've received the letter, and
- your tenant remains legally responsible for paying rent until the tenancy ends

Contact your local council's environmental health department if the tenant does not reply.

Contacting the council if you think your tenant has moved out

The local council will have an environmental health department. They deal with complaints about harassment and illegal eviction from tenants.

If your tenant tells them that you did not follow the correct process to end the tenancy, they can prosecute you.

A defence to this would be to show evidence that you thought your tenant had moved out.

You can contact environmental health. Explain your reasons for suspecting your tenant has moved on. Ask that the council keep a record of your query.

Changing the locks and reletting the property

You should not:

- change locks, or
- relet the property

Do not do this unless your tenant agrees to give up the tenancy in writing.

The proper way to end a tenancy is to issue a notice to quit and then apply for a court order if your tenant doesn’t leave. This can take several months.

Evicting a tenant without following the correct process is illegal.

There is a risk that your tenant, or the council, will take you to court if you end the tenancy without a court order. This is why it’s important to let the council know if you think the property has been abandoned.

Dealing with items left behind by a tenant

You have a responsibility to store any items your tenant leaves in the property. You can charge your tenant for this storage.

Your tenant can sue you if you dispose of their items. You should:

1. make a list of the items left behind, including a description of their condition
2. send a copy of the list to all addresses you have for your tenant and their guarantor
3. explain that your tenant has an obligation to collect these items
4. explain that your tenant must pay the costs for storing these items
5. ask the tenant to confirm in writing if they want you to dispose of the items

It’s best to have a solicitor help you prepare this letter.

If your tenant does not respond, speak to your solicitor about how to move forward.

More advice

- How to end a tenancy
- Going to court
- Illegal eviction and harassment