



Llywodraeth Cymru  
Welsh Government

## PUBLICATION

# Possession of abandoned dwellings and safeguarding of property: guidance

How landlords can get ownership of an abandoned dwelling and what to do with any belongings left behind.

First published: 10 March 2022

Last updated: 10 March 2022

This guidance sets out the procedure a landlord must follow when seeking to recover possession of an abandoned dwelling under section 220 of the Act. The guidance also addresses the Safeguarding Property in Abandoned Dwellings Regulations.

Where a landlord has good reason to believe a dwelling has been abandoned by the contract-holder, the landlord may recover possession without recourse to the court. This is subject to the occupation contract for the dwelling including a term requiring occupation of the dwelling by the contract-holder as their only or principal home.

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Before a landlord uses the abandonment procedure, there must be a belief that the contract-holder has abandoned the dwelling. While there is no absolute indicator of a dwelling being abandoned, a landlord might take into consideration the non-payment of rent for a period of time and/or the dwelling being left unsecured as possible reasons to believe abandonment may have occurred. As described later, a contract-holder has grounds to challenge the landlord's actions under section 222 of the Act.

Where a landlord wishes to repossess the dwelling under the abandonment procedure they must issue a notice under section 220(3) of the Act to the contract-holder. This notice will inform the contract-holder of the following:

- The landlord believes the dwelling has been abandoned by the contract-holder.
- The landlord is providing a warning period of four weeks, during which time the contract-holder must inform the landlord, in writing, if the dwelling has not been abandoned.
- The landlord's intention to end the occupation contract after the warning period if the landlord is still satisfied the dwelling has been abandoned.

It may not be possible to deliver this notice directly to the contract-holder if, for example, the dwelling has indeed been abandoned. In such circumstances a landlord should take all possible steps to try and ensure the contract-holder has access to the notice, for example:

- Leaving the notice at the dwelling
- Providing to the contract-holder in person
- Serving the notice to alternate contact details if already provided by the contract-holder.

The notice provided to the contract-holder under section 220(3) must be served in a prescribed form. This prescribed form will set out the information contained above and provide the contract-holder additional information relating to any

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property remaining at the dwelling.

During the warning period, the landlord must carry out enquiries to be '*satisfied*' that the dwelling has been abandoned. A landlord should use details and information previously supplied by the contract-holder as part of these enquiries. Such enquiries may include:

- Using all contact details that a landlord holds for the contract-holder.
- Writing to all addresses known to the landlord – including any contact details of friends and family members provided by the contract-holder. This may include a guarantor.
- Consulting neighbours.
- Contacting the local authority, for example any alcohol or substance misuse service if considered relevant.
- Contacting support workers or agencies assisting the contract-holder.

The landlord must ensure all relevant inquiries are made so as to satisfy him or herself that the contract-holder has in fact abandoned the dwelling. If the landlord remains satisfied the dwelling has been abandoned at the end of the warning period, a notice ending the occupation contract may be issued under section 220(5). The notice provided to the contract-holder under section 220(5) must be provided on a prescribed form. A landlord must provide a copy of any notice served under sections 220(3) and 220(5) to any lodger or sub-holder occupying the dwelling.

Under section 222 of the Act a contract-holder may, for up to six months after the day the contract was ended by the landlord, challenge the repossession of the dwelling by the landlord on the following grounds:

- The landlord failed to serve the proper notice;
- The landlord failed to carry out the proper enquiries;
- The contract-holder had not abandoned the dwelling and there was good reason for the failure to respond to the landlord; or

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- The landlord did not have sufficient reason for being satisfied the dwelling was abandoned.

Having ended the contract (by issuing the notice under section 220(5)), a landlord has a duty to safeguard all remaining property left at the dwelling in accordance with the Regulations. A landlord will be required to safeguard the belongings, left at the dwelling, for a period of four weeks, save for the following exceptions:

- The property is perishable in nature and storage for four weeks would involve an unreasonable degree of inconvenience or expense to the landlord.
- The value of the property, when eventually sold, would not, in the landlord's opinion, be sufficient to reimburse the landlord for the expenses incurred in safeguarding it.

Landlords are advised to make an inventory, with photographic evidence, of any property they decide not to safeguard.

Property which a landlord considers is of sufficient value to safeguard for four weeks must be returned to the owner, where a claim has been made, in line with the Regulations. The landlord must be reimbursed for any expenses incurred in safeguarding the property up to that point, if such expenses have been incurred. Where no claim has been made on property after a period of four weeks, the landlord may sell or otherwise dispose of it.

Landlords under certain circumstances may enter the dwelling if they believe it has been abandoned. Entry by the landlord is permitted in order to secure the dwelling or its contents. For example, where the landlord considers the dwelling has been abandoned and the windows have been left open, entry to secure those windows may be made.

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