

## Abandonment process guide for private landlords

If you believe that your tenant has left the property or has taken a tenancy elsewhere this does not mean that they do not intend to, or do not have a right to, return to the property. If you take steps to prevent the tenant from returning, such as changing the locks, re letting the property, removing belongings etc. you could face an accusation of illegal eviction and face prosecution under the [Protection from Eviction Act 1977](#)

It is essential that if you think the tenant has abandoned the property that you gain possession of the property via the correct legal route. This means that ultimately you will have to serve either Section 21 or Section 8 and gain a court order.

There are some steps you can take to either agree a surrender of tenancy with your tenant or gather evidence to be sure that they do not intend to return before going down the costly and time consuming possession route.

If you believe that the tenant has left the property and does not intend to return you should attempt to contact them and ask that they formally surrender the tenancy to you. This should be in writing given details of the date from which the tenant agrees they have left and no longer have an interest in the property.

If you cannot contact your tenant you should carry out some checks to confirm that they have abandoned the tenancy before starting the possession process.

Rent arrears, lack of contact or the property 'appearing' vacant are not singularly evidence that the tenant has left and does not intend to return and you should gather a wider evidence base.

You should:

- Check the rent account, has the payment stopped.
- Try and contact the tenant and/or any next of kin.
- Speak to neighbours, have they noticed the tenants change in behaviour, did they see the tenant remove items from the property.
- Have keys been left at the property.
- Does the property look vacant from the outside?
- Have they told the council they have moved?

This document was last amended on 31 May 2017 and was considered accurate at that time.

Changes to legislation which occurred after this date will not be reflected in the content.

This document should not be considered comprehensive, nor should it take the place of legal advice where this is required.

If you are satisfied that the tenant has left you can serve a seven day notice at the premises advising that if the tenant does not contact you in the next seven days you will start the process to gain possession of the property.

If the tenant does not contact you after seven days and you still feel the property has been abandoned you should serve either a Section 8 or Section 21 as appropriate and follow the correct legal process. (See guidance on serving Section 21 and Section 8)

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