



Abandoned goods – all tenancies

Sometimes a tenant moves out and leaves some things behind. It may seem like rubbish, but some valuable items may have been left by mistake, forgotten or left to be picked up later.

The problem

It can be difficult to judge if the things left behind are rubbish or something of value. Landlords might be tempted to discard it all – especially if there is a new tenant waiting to move in. Simple rules should be followed to protect the landlord and tenant in these situations.

These rules apply to all residential tenancies, including boarding house tenancies

What can the landlord do?

If you can contact the tenant, ask them to collect the items. If you give them a reasonable timeframe, this may resolve the issue.

You can discard any food or perishable goods immediately.

If you cannot contact the tenant, or they do not collect the goods, there are two options available.

Firstly, you can apply to the Tenancy Tribunal for an order for how to deal with the goods.

Check out the information sheet '*Making an application for an Order of the Tenancy Tribunal: information for landlords*' at <http://www.dbh.govt.nz/tribunal-info-for-landlords> for more information about how to make an application to the Tribunal.

Alternatively, you can deal with the goods in the following manner:

You must securely store any personal documents left by the tenant. Personal papers unclaimed after 35 days must be handed to the Police and you must obtain a receipt.

You must then take reasonable steps to assess the market value of the goods.

1. If the value of the goods is **less** than the cost of storing, transporting and selling them, you can immediately dispose of them as you see fit. You may not dispose of personal documents belonging to the tenant.
2. If the value of the goods is **more** than the cost of storing, transporting and selling them, you must secure the goods for at least 35 days from the day you took possession of them. After 35 days you can continue to store them to await any claims to the goods by the tenant, or you may take any personal documents to the Police and sell the other goods at a reasonable market price.
3. Where you sell the goods you can deduct the cost of storing and selling the goods from the proceeds of sale.
4. You can apply to the Tenancy Tribunal for an order specifying the amount (if any) owing to you from the proceeds of sale.



5. If you are not fully reimbursed by the proceeds of the sale of the goods, you may seek any further money owing from the bond if there is one. If the bond is not sufficient you may recover the costs from the tenant.
6. Any surplus money from the proceeds of sale must be paid to the Department of Building and Housing.

What if the tenant wants their goods returned?

The tenant can claim goods that have been held in storage. The landlord can claim for the cost of storage from the tenant. The tenant should give the landlord a receipt for the goods that have been returned.

What can the Tribunal order?

The Tribunal can order for the goods to be:

- disposed
- returned to the tenant or
- sold by the landlord.

The Tribunal can also order that the proceeds from the sale of the goods be used to offset any claims that the landlord may have against the tenant.

What happens to the money?

Any money made from selling abandoned goods must be paid to the Department of Building and Housing, PO Box 50-445, Porirua.

Any remaining money can be claimed by the tenant within a year. Remember to send the money in by cheque and to include a copy of the Tribunal Order so that the Department knows what the money is for and can issue payment the Tribunal has ordered.

Important note if applying to the Tribunal after the tenancy has ended

If the tenancy has ended and the landlord is making a Tenancy Tribunal application, it is important to provide an address for service for the tenant so that they can be served with notices of mediations and Tenancy Tribunal hearings. If they cannot be served with these notices, then the Tribunal may not be able to hear the matter.

Check out the information sheet '*Making an application for an Order of the Tenancy Tribunal: information for landlords*' for more information.

Where can I find more information?

For tenancy advice and information call 0800 TENANCY (0800 83 62 62), visit our website www.dbh.govt.nz or email us at info@dbh.govt.nz