

Your Legal Questions

Paul Addison
Partner & Solicitor



Q I am a landlord of a residential property. My tenant vacated the property last week and has left behind various items. Am I entitled to dispose of these items?

A Landlords often have to deal with items left behind in their properties by tenants. It is possible that the items have been 'abandoned' by the tenant but it would be unwise simply to throw the items away unless the tenant has made it clear to you that they no longer want them. In law you have become what is called an 'involuntary bailee' of the goods and this brings with it a duty to take reasonable care to look after them until they are returned to their owner or disposed of legitimately. To return or to lawfully dispose of the items you need to make contact with the former tenant and follow certain notice requirements set out in the Torts (Interference with Goods) Act 1977. You should give the tenant written notice giving details of the goods and where they are held by you, as well as stating that they are ready for delivery, stating any storage charges that you have incurred and giving the former tenant a reasonable period in which to collect the items. The Notice should also warn the tenant of your intention to sell the goods if they have not been collected within that period. A period of 14 days should usually be sufficient.

The Notice should be given either by delivering it personally to the former tenant or by leaving it at their new address or by recorded or registered post. If the tenant fails to respond to the notice, or contacts you in response and says that they do not want the goods back, then you can sell them and the buyer will have good legal title to them. Any proceeds of sale can be used for the expense of storing and selling the goods or towards any rent arrears.

Paul Addison is a Partner and Solicitor in the Civil Disputes & Litigation Department.

*Direct Dial 01934 637 906/
addison@powellslaw.com*