



COMMUNITY HOUSING
Industry Association Victoria

Practice Guidance

Goods Left Behind



V2 May 2024

Contents

Purpose	3
Key resources	3
Definitions	3
Background	4
Personal documents	4
Goods for immediate disposal	4
Goods of monetary value	5
Notifying the former renter	5
Occupation fee	5
Disposal	6
VCAT orders	6
Abandoned vehicles	7
Abandoned pets	7
Signed disclaimers	7



Purpose

The purpose of this guide is to support Community Housing Organisations (CHOs) to deal fairly, efficiently, and appropriately with goods left behind at a property by a former renter.

It is guided by the requirements outlined in the Residential Tenancies Act 1997 (Vic) (RTA) and the Residential Tenancies Regulations 2021 (RT Regs).

This guide is designed to complement the template Goods Left Behind Policy by providing further details on how to deal with goods left behind under that policy and assist to establish procedures and processes.

Should you have any questions or comments on any of the information in this guide, please email leadingpractice@chiavic.com.au.

Key resources

The key resources referred to in this guide can be found below.

Key resources	Links
Residential Tenancies Act 1997 (Vic)	RESIDENTIAL TENANCIES ACT 1997
Residential Tenancies Regulations 2021	RESIDENTIAL TENANCIES REGULATIONS 2021

Definitions

The definitions for common terms used in this guide are set out below.

Term	Definition
CAV	Consumer Affairs Victoria
CHO	Community Housing Organisation. A registered community housing association or provider
Prescribed form	The style of form required to be used when issuing a notice or providing information to renters
Rental provider	A residential rental provider who manages a residential tenancy
RTA	Residential Tenancies Act 1997 (Vic). The principal legislation governing rental housing in Victoria
RT Regs	Residential Tenancies Regulations 2021 (Vic)



VCAT	Victorian Civil & Administrative Tribunal. A legal institution set up to administer several Acts. For residential tenancies, the Tribunal administers the RTA 1997
------	--

Background

If a renter leaves belongings or documents behind at a property upon vacating, these are referred to as goods left behind.

As part of the end of tenancy process, renters should be reminded of their obligation, under s63 of the RTA, to leave the property in a reasonably clean condition, and in the same condition as when they moved in (less fair wear and tear).

The requirements for rental providers dealing with goods left behind are outlined in the RTA and RT Regs, which detail:

- The types of goods that can be immediately disposed, and which goods must be stored for a specific duration
- Requirements for notifying a former renter about goods left behind
- Under what circumstances an occupation fee may be charged
- Where goods are not reclaimed, the requirements for the sale or disposal of goods.

The former renter, or a person who has lawful right to the goods, has the right to reclaim them at any time before they are sold or disposed.

Personal documents

If personal documents are left at the property, under s380 of the RTA the rental provider may remove but not destroy them and must store them for at least 90 days. The rental provider must make reasonable attempts to notify the former renter (see section below on 'notifying the former renter'). Personal documents include:

- Official documents
- Photographs
- Correspondence (such as mail)
- Images on still and video cameras
- Material on computer hard drives
- Any other documents someone would reasonably be expected to keep.

Goods for immediate disposal

Under s384, the following items may be disposed of immediately:



- Perishable foods
- Dangerous goods (further information about what constitutes as dangerous goods can be found here [Dangerous goods: Safety basics | WorkSafe Victoria](#))
- Goods of no monetary value. Unless they are prescribed goods as detailed under Regulation 93 for the purposes of s384(2) which must be stored for a period of 14 days:
 - Labelled containers or urns containing human remains
 - Specialised medical devices, equipment and goods including prostheses and prescription medication
 - Medals and trophies.

Goods of monetary value

Under s386, goods of monetary value (other than personal documents or goods that can be immediately disposed) must be stored for a period of at least 14 days (this period may be extended either by agreement between parties, or as ordered by VCAT).

Notifying the former renter

Under s386 of the RTA, the rental provider must take reasonable steps to notify the former renter about goods left behind using the prescribed form, available for download from Consumer Affairs Victoria (CAV) [Notice of goods left behind](#).

The required storage period commences from the date the former renter is notified about the goods.

Attempts to contact the former renter may include:

- Post
- Email
- Phone call/SMS
- Next of kin and/or emergency contact/s
- Support worker/s (if applicable)
- Police.

All efforts to contact the former renter should be clearly documented.

Occupation fee

In order for the goods to be claimed, under s388 the rental provider may charge an occupation fee, but only in circumstances where the goods left behind were of such a sufficient quantity that it prevented the rental provider from renting out the property.



The occupation fee must not be greater than the amount of rent that the former renter would have had to pay for the number of days the goods were stored and can be no more than 14 days rent in total (unless VCAT has ordered that the goods be stored for more than 14 days, in which case the maximum fee is equal to the number of days VCAT ordered the goods to be stored).

In circumstances of personal or financial hardship, crisis, eviction or where goods were left at the property due to factors beyond the control of the former renter, CHOs should consider waiving any such fees that might otherwise be charged.

Disposal

If personal documents or goods are not reclaimed within the required timeframe, they can be sold or disposed of in any lawful manner.

Where goods are sold, the former renter has six months to claim the proceeds of the sale, less any occupation fee and the cost of the sale. If the former renter does not claim the proceeds of sale within the required timeframe, the rental provider must pay the money to the Residential Tenancies Fund within 30 days of the end of the six-month period.

If a rental provider disposes of documents or goods without following the required process, the former renter can apply to VCAT for compensation.

VCAT orders

VCAT has specific powers in relation to goods left behind, including being able to make the following orders¹:

- That goods must be stored for a period of more than 14 days
- If the cost of storing the goods is greater than the occupation fee, that a higher occupation fee is required to be paid to reclaim the goods
- If the stored goods are destroyed, disposed of, or sold by the rental provider, not in accordance with the RTA, that compensation is to be paid to the former renter for loss of the goods
- If the rental provider wrongfully retains the goods and refuses to return them to the former renter, that the goods are required to be returned and/or that compensation is to be paid to the former renter for loss of the goods

¹ See sections 395, 395A, 396, 397, 398 and 401 of the RTA



- If the rental provider wilfully or recklessly damages or loses the goods, that compensation is to be paid to the former renter for the loss or damage of the goods.

Abandoned vehicles

If a vehicle has been abandoned at the property, it can be dealt with in line with the requirements for goods of monetary value, but some additional steps should be taken:

- Contact Victoria Police to check if the vehicle is stolen and confirm ownership. Police may be able to attempt to contact the registered owner of the vehicle directly.
- Verify whether the vehicle is registered through the VicRoads website.
- Confirm ownership and whether there is a loan on the vehicle through the Personal Property Securities Register. If there is a loan, the lender may be able to collect the vehicle.
- If the vehicle needs to be removed and sold, contact a vehicle auction house with experience in dealing with abandoned vehicles.

Abandoned pets

If a pet is left at the property and the former renter cannot be contacted:

- Only approach the pet if it is safe to do so as frightened animals may be dangerous.
- If the pet is injured, seek urgent veterinary attention.
- Contact the local council 'animal management' or 'local laws' department, who can check the animal for identification via registration tag or microchip. The council may be able to reunite the pet with its owner.

Signed disclaimers

Some CHOs provide a form that allows vacated renters to permit the disposal of any goods left behind.

Note that forms such as these may give a licence to vacating renters not to clean the property as required, and/or to leave behind rubbish and unwanted goods that then become the responsibility of the CHO to remove.

It remains important to inspect the items to check there are no goods of monetary value that trigger obligations under the RTA.

A claim against a CHO for disposing of items may be less likely to succeed where the former renter has signed a form, but there is a risk that it could be upheld by VCAT.



Example disclaimer form:

*I [name] hereby authorise [CHO] to
remove and dispose of all goods and items left behind at the rented premises [property
address]*

*I have removed all belongings of value from the property, the remaining items are of no
monetary value and may be disposed of.*

[description of items]

.....
.....

I have been given the opportunity to remove these goods but choose not to do so.

Signed

Date

