

Goods left behind

As a tenant you have rights under the *Residential Tenancies Act 2010* and *Residential Tenancies Regulation 2019*. This factsheet outlines the law in NSW about goods left behind on rented premises – there are rules about how the landlord may dispose of goods you leave behind, and what notice they need to give you before disposal.

Landlord may dispose of goods left behind

If you leave goods behind on the premises at the end of your tenancy, the landlord/agent may dispose of them after giving you correct notice.

The end of your tenancy means you have given the landlord vacant possession of the premises (you have moved out and returned the keys).

The rules about goods left behind also apply if you have abandoned the premises (e.g. you leave and stop paying rent without notice to the landlord).

The *Residential Tenancies Act 2010* no longer regulates goods left behind. The *Uncollected Goods Act 1995* sets out the process that a landlord/agent must follow when dealing with goods left behind including how they may dispose of them.

Types of goods

'Goods' includes:

- Low, medium and high value goods
- Personal documents
- Perishable goods and rubbish

The landlord/agent may dispose of perishable goods or rubbish at any time without notice.

Personal documents include:

- a birth certificate, passport or other identity document
- bank books, financial statements or documents
- photographs and other personal memorabilia
- licences or other documents conferring authorities, rights or qualifications.

Notice of disposal

The landlord/agent must give you notice that, unless you claim them, they will be disposed of. The form and period of notice varies depending on the value of the goods. See the table below for details.

Landlords may move or store any and all uncollected goods. Except for personal documents, landlords may charge you their expenses in dealing with uncollected goods.

Claiming goods before disposal

You (or another person entitled to them) may collect the goods from the landlord/agent at any mutually agreed time.

Write to the landlord/agent to claim the goods and to arrange a time to collect them. Include times and dates when you are available and give the landlord/agent a date by which to respond.

Ensure that you are available to collect the goods at the arranged time and have the means to do so.

Motor vehicles

Motor vehicles cannot be disposed of without certification that they are not stolen or encumbered by debt. Otherwise, motor vehicles are dealt with according to their value, like other goods.

Keeping records of goods

Landlords must make detailed records of goods disposed of except perishable goods or rubbish. See the table at the end of this factsheet for how long records have to be kept.

Money from sale of goods

If sale of goods obtains more than the landlords expenses the excess money must be given to Revenue NSW. It will then be dealt with according to the *Unclaimed Moneys Act 1995*.

Purchasers obtain good title to goods despite non-compliance with the *Uncollected Goods Act* or problems with who owned the goods.

Type of goods, notices and disposal

| Goods type | Notice form | Notice time | Disposal | Records kept |
|---------------------------------------|-------------|-------------|----------------------------------|-----------------|
| Perishable and rubbish | Nil | Nil | Yes | No |
| Low value: Less than \$1K | Oral | 14 days | Appropriate manner | Yes - 12 months |
| Medium value: \$1K to less than \$20K | Written | 28 days | Public auction or private sale | Yes - 6 years |
| High value: \$20K and over | Nil* | Nil* | Per Tribunal orders only* | Yes - 6 years |
| Personal documents | Writing | 28 days | To the issuer or secure disposal | Yes - 6 years |

* Notice will be the Notice of Hearing from the Tribunal

Disputes about goods left behind

Landlords and tenants can apply to the Tribunal about goods left behind. The Tribunal can make various orders about:

- Removal and disposal
- Notice of action or proposed action
- Sale and manner of sale of goods
- Payment of money from sale
- Compensation for unlawful disposal or damage
- Delivery up of goods
- Ancillary matters (e.g. payment of expenses)

Time limits apply; do not delay. Consult your local Tenants Advice and Advocacy Service if you need to apply to the Tribunal.

See also

- Factsheet 09: *You want to leave*
- Factsheet 10: *Landlord ends agreement*
- Factsheet 11: *NSW Civil and Administrative Tribunal*
- Factsheet 12: *Domestic violence*
- Factsheet 15: *Share housing*
- Factsheet 22: *Disaster Damage*
- Podcast episode: *Don't make me leave:*
tenants.org.au/resource/renting-matters
- Tips: *Negotiating with the landlord:*
tenants.org.au/resource/negotiation-tips

Factsheet updated February 2023

For free tenancy advice, call your local Tenants' Advice and Advocacy Service:

SYDNEY:

| | |
|--------------|-----------|
| • Eastern | 9386 9147 |
| • Inner | 9698 5975 |
| • Inner West | 9559 2899 |
| • Northern | 9559 2899 |
| • Southern | 9787 4679 |
| • South West | 4628 1678 |
| • Western | 8833 0933 |

REGIONAL:

| | |
|-----------------------|--------------|
| • Blue Mountains | 4704 0201 |
| • Central Coast | 4353 5515 |
| • Hunter | 4969 7666 |
| • Illawarra Sth Coast | 4274 3475 |
| • Mid Coast | 6583 9866 |
| • Northern Rivers | 6621 1022 |
| • Northwest NSW | 1800 836 268 |
| • Southwest NSW | 1300 483 786 |

ABORIGINAL:

| | |
|-------------|--------------|
| • Sydney | 9833 3314 |
| • West NSW | 6881 5700 |
| • South NSW | 1800 672 185 |
| • North NSW | 1800 248 913 |

WEBSITE: tenants.org.au

NSW FAIR TRADING: 13 32 20

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