

# 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. 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.

## The 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 been evicted or abandoned the premises (e.g. you stop paying rent and leave without notice to the landlord).

## Is notice required to dispose of goods?

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

The landlord/agent must **give you notice** when they intend to dispose of:

- Personal documents
- Low, medium, or high value goods

**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.

## What is correct notice of disposal?

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

## Keeping records of goods

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

## Type of goods, notices and disposal

Goods type	Notice form	Notice time	Disposal	Records kept
Perishable & 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	Writing	28 days	Public auction or private sale	Yes – 6 years
High value: \$20k and over	Notice will be the Notice of Hearing from the Tribunal		Per Tribunal orders only	Yes – 6 years
Personal documents	Writing	28 days	To issuer or secure disposal	Yes – 6 years

## Claiming goods before disposal

You (or another person entitled to them) may collect the goods from the landlord/agent at a time you both agree to.

Write to the landlord/agent as soon as possible to claim the goods and to arrange a time to collect them. Make sure the landlord/agent has up-to-date contact details for you. Include times and dates when you are available and give the landlord/agent a date by which to respond. It is also a good idea to state that the goods have value.

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

In situations of **domestic violence**, it may be possible to get a police escort to retrieve goods left behind – get advice from a service such as [Women's Legal Service NSW](#).

## Charges for uncollected goods

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.

## 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.

## Money from sale of goods

If sale of goods provides more than the landlord's expenses, the excess money must be given to Revenue NSW. It will then be dealt with according to the *Unclaimed Money Act 1995*.

Purchasers obtain good title to goods despite non-compliance with the *Uncollected Goods Act 1995* or problems with who owned the goods.

## Disputes about goods left behind

Landlords and tenants can apply to the [NSW Civil and Administrative Tribunal \(NCAT\)](#) 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)

It is a good idea to contact your local [Tenants Advice & Advocacy Service](#) for advice if you need to apply to the Tribunal.

There are **time limits for applications to the Tribunal**:

- Application for **compensation** for goods destroyed or damaged: 60 days for low and medium value goods; or 90 days for high value goods and personal documents.
- Application for **delivery to owner or other person**: 180 days
- Application for **payment of proceeds of sale** of goods or equivalent amount to owner or other person: 180 days.

The Tribunal application time limit period begins when the person who has the goods provided notice. If they did not provide notice, it begins on the day on which the goods were left in the possession of the receiver.

## More info

- [Factsheet 09: You want to leave](#)
- [Factsheet 10: Landlord ends agreement](#)
- [Factsheet 11: NSW Civil & Administrative Tribunal](#)
- [Factsheet 12: Domestic violence and renting](#)
- [Factsheet 15: Share housing](#)
- [Factsheet 22: Disaster damage](#)
- [Podcast: Don't make me leave](#)
- [Tips: Negotiating with the landlord](#)
- [Uncollected goods \(NSW Fair Trading\)](#)

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### For free advice, call your local Tenants Advice & 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

This factsheet is intended as a guide to the law and should not be used as a substitute for legal advice. It applies to people who live in, or are affected by, the law as it applies in New South Wales, Australia. ©Tenants' Union of NSW

**WEB:** [tenants.org.au](http://tenants.org.au)

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