



## Fact Sheet 20: What Happens to My Belongings That I Left Behind in My Housing ACT Property?

When you move out of your Housing ACT property you must take all your belongings unless you agree with Housing ACT to do something else. You should put the terms of any agreement you reach with Housing ACT in writing. It is good to check your tenancy agreement to see what it says about goods that you leave behind. There are rules about how Housing ACT may get rid of these items.

### 1. What if I leave my ID behind?

Housing ACT can get rid of personal documents, including ID, photos and financial documents, by:

- returning them to the issuing authority where practicable; or
- any other lawful way that stops personal information about the document owner being publicly available (eg shredding).

Housing ACT's practice is to securely dispose of personal documents. They believe that this is the safest means to prevent any identity fraud.

### 2. What happens if I leave behind food?

Housing ACT can get rid of perishable goods, such as food, as soon as your tenancy ends if there is no agreement in place between you and them about what to do with them. In practice Housing ACT will also get rid of any goods which are soiled and/or damaged despite what their monetary value might otherwise be.

### 3. What does Housing ACT have to do before getting rid of other items?

Housing ACT must give you a chance to recover any goods by asking you to collect them. This request:

- must be in writing;
- include a short description of the goods and explain where and when the goods can be collected;
- must state that the goods may be disposed of if they are not collected within 7 days of the request; and
- must state what Housing ACT's costs are in relation to the goods that you must meet before the goods will be released.

This request must be sent to:

- your last known address;
- if Housing ACT does not have your last known address, or an address cannot be found after making reasonable enquiries, Housing ACT must give public notice that they are going to get rid of the goods. Public notice can be either on an ACT Government website or in the Canberra Times.

If a request has been made and you do not collect your belongings in 7 days, Housing ACT may dispose of them. The applicable timeframes start 7 days from the date of the request.

Type of goods	How it can be disposed of	When it can be disposed of
Goods of no value (\$20 or less)	By sale, appropriation or destruction	After 1 week
Goods of low value (between \$20 and \$500)		After 1 month
Goods of significant value (\$500 or more)	By public auction. Where goods are disposed of by way of public auction, Housing ACT must give public notice at least 7 days before the auction, describing the goods and the time and place of the auction. Housing ACT may get rid of any goods that are not sold at the auction however they choose.	After 3 months

#### 4. Do I have to pay to get my goods back?

Before releasing the goods, Housing ACT may require you to pay:

- the relevant storage and maintenance costs;
- the amount of any unpaid rent you owe; or
- any reasonable costs incurred by them in complying with the law.

Any time before the disposal of the goods, you can apply to the ACT Magistrates Court for a review of the costs that Housing ACT is requiring you to pay. The Court may disagree with the Housing ACT's costs, in whole or in part, or order that the Housing ACT does not get rid of the goods until the court has made a decision.

#### 5. Who receives the money from the sale of the goods?

If the uncollected goods have been sold, Housing ACT can keep any unpaid rent, relevant costs for storage and maintenance and any other reasonable costs.

After these reasonable costs have been taken away, whatever amount of money left over must be paid to the ACT Government's Uncollected Goods Trust Fund. You may recover all or some of that money by making a claim to the Trust Fund within three years of when the money was paid to it.

#### Access to Interpreters

The ACT Government is committed to ensuring that all Canberra residents, regardless of their background, have equal access to its programs and services. It is ACT Government policy to use professional interpreters when speaking with people who have difficulty communicating in English.

You are entitled to an interpreter free of charge when dealing with an ACT Government directorate or agency (such as schools, hospitals and Shopfronts).

Simply ask the staff member you are dealing with to arrange an interpreter.

#### Disclaimer

This fact sheet contains general information available at the time of printing. It does not constitute legal advice. If you have a specific legal problem, please contact Canberra Community Law's advice line on 02 6218 7900.

Canberra Community Law is entirely independent of Housing ACT. All assistance is free.

May 2019