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# Accommodation

## Coronavirus - advice for landlords and letting agents: What you should do with belongings left in the property at the end of a tenancy

Whilst we hope that the majority of students who left private rented accommodation in Bristol when the Coronavirus restrictions were imposed will return to collect their belongings before or at the end of the tenancy, if they are legally able to do so, the situation remains fluid and we don't know what travel restrictions will be in place in June.

It currently appears to be legally permissible for students to travel back to Bristol to collect their belongings, but it still may not be practical for them to do so. Also different restrictions apply to international travel and may vary between countries. International students may be prevented from returning even when home students can do so and may find it more difficult to make appropriate arrangements.

With that in mind - landlords, letting agents and students need to engage in a dialogue and plan for the possibility that arrangements will need to be made for the collection and storage of belongings at the end of current tenancies as well as cleaning of the property.

In practical terms this means thinking about arrangements to itemise, pack, label and store belongings pending collection. In some cases, it may mean arranging for possessions to be sent overseas to students who cannot return to the UK.

Professional packing and storage services are available and some offer to dispose appropriately of large unwanted items. Students can set these arrangements up themselves in advance, but it is advisable for landlords and agents to check that they have done so. Using professional services also has the advantage of providing insurance cover for the packing, removal and storage of goods. There are many local and national

companies offering a range of services and online quotes are available. The companies below can pack belongings and either take inventories or Facetime/Skype the student while they are packing and then either store their belongings or ship them to them to the student.

<https://www.smartmovebristol.co.uk/>

<https://www.packsend.co.uk/>

*Please note: inclusion in this factsheet does not constitute endorsement of these companies and students/landlords should make their own enquiries and decision about which company to use.*

Where students are unable to make arrangements themselves, the task will fall to landlords and agents. The options are to engage a professional service, clear the property themselves or to secure the items within the property for collection later. If items are left at the property beyond the end of the tenancy, appropriate insurance against the risk of theft or damage would be advisable.

Arrangements also need to be in place for returning keys and carrying out a formal end of tenancy check so deposits can be returned.

### Contacting students

We expect that in most cases the landlords and agents will have contact details for their tenants, but if not, we can assist by trying to contact the students. We cannot pass any contact details held by the University to the landlord or agent without the student's explicit consent. If you do not have contact details or have tried to contact the student but have not been able to do so, please contact us at [accom-office@bristol.ac.uk](mailto:accom-office@bristol.ac.uk).

## **Disposing of goods**

Any perishable goods left in the property that cannot be collected at the end of the tenancy will need to be disposed of.

With the exception of perishable goods, possessions left behind in the property should only be disposed of where the tenant has expressly confirmed this in writing. It may be difficult to establish who owns items left in communal areas. If there are joint tenants and it is not known who the items belong to then the consent of each of the tenants should be obtained prior to disposing of any non-perishable goods.

Where items which can't be donated or put out for bin collection in the usual way because they are too large or too many bin bags to fit in the wheelie bin, arrangements can be made for collection through Bristol City Council. This service can be booked by the student (not the landlord). Up to 3 large items costs £25 to remove or 5 bin liners can be collected in place of 1 large item. This needs to be booked at least a week in advance through Bristol City Council, see [www.bristol.gov.uk/binsrecycling/bulky-household-item-collection](http://www.bristol.gov.uk/binsrecycling/bulky-household-item-collection)

Bristol Big Give is not currently running but you can check for updates on their Facebook page: <https://www.facebook.com/BristolBigGive/> For larger items eg furniture it would also be worth checking if charity shops such as Sofa Project and Emmaus are open to receive donations.

## **Local removals companies**

The following companies seem to support recycling:

<https://www.roosjunkremoval.co.uk/>

<http://bristolhouseclearance.me.uk/>

<http://www.thejunkbuster.co.uk/>

*Please note: inclusion in this factsheet does not constitute endorsement of these companies and students/landlords should make their own enquiries and decision about which company to use.*

## **Duty of care**

Any possessions left at the property at the end of a tenancy still belong to the tenant and are protected by the Torts (Interference with Goods) Act 1977. A landlord or agent acting on their behalf who takes possession of goods belonging to a tenant at the end of a tenancy becomes an involuntary bailee under common law. The involuntary bailee must ensure the goods are not deliberately or recklessly damaged or destroyed. There is a legal duty on the landlord to take reasonable care of the goods until they are either returned to their owner or disposed of legitimately.

## **Avoiding insurance claims and legal disputes**

A full inventory of items left at the property on a room by room basis should be compiled. It would be advisable to take photographs/video recordings in case of disputes about things going missing, the condition of items and damage caused during packing and storage.

If professional packers are employed, it is possible they could carry this out but it is advisable for landlords or agents to do this themselves or ensure this is done to a thorough standard in order to avoid disputes later.

The items must then be clearly labelled for identification and stored for collection or returned to the student.

If a landlord sells or disposes of their possessions without taking the correct steps, then the tenant could bring a civil claim against the landlord. Clearly this is a situation we all want to avoid.

## **Notices and timescales**

Non-perishable goods cannot be disposed of or sold without taking reasonable steps to contact the tenant and giving them a reasonable opportunity to make arrangements for the goods to be collected, unless the tenant has expressly agreed (see above).

The landlord or agent must serve a notice requiring the tenant to come and collect the goods (Schedule 1 of the Torts (Interference with Goods) Act 1977). In normal circumstances a reasonable timescale would be 28 days. However, it needs to be realistic and allow for extensions to take into account ongoing travel restrictions and personal circumstances which may prevent the tenant from coming to Bristol.

There will also need to be arrangements in place for a third party to collect the goods on the tenant's behalf and for appropriate ID checks to be carried out before handing the goods over. This information should be included in the notice to the tenant.

If the landlord intends to sell/dispose of items that are not collected after the notice period ends, then this needs to be clearly set out in the notice to the tenant.

#### **Notice to end fixed term tenancies**

Fixed term tenancies come to an end on the specified end date as long as none of the

tenants remain living in the property. No notice is required to end a fixed term assured shorthold tenancy.

This is the case even if the tenants have left possessions in the property because of travel restrictions.

#### **Check -out and returning deposits**

Landlords and agents should make arrangements with the tenants to carry out a checkout process by Skype/Zoom. Any damage for which a deposit deduction is proposed should be discussed and evidenced by photographs taken on the day.

Deposits should be returned in the usual way in accordance with the contract terms.

Deductions for packing, storage and returning goods to the tenants may only be made from the deposit if this is provided for under the terms of the contract or agreed with the tenants in writing.

Students should not be penalised for failing to return their keys, unless the student fails to comply with reasonable arrangements proposed by the landlord/agent.

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**The University of Bristol Accommodation Office runs a housing advice service for all students, if you have any problems with your private rented accommodation please contact us.**

Due to Coronavirus our office on campus is closed but our services are available remotely. Please contact us by email and an advisor will get back to you:

[accom-office@bris.ac.uk](mailto:accom-office@bris.ac.uk)

