Guidance Note: Dealing t Behind by Tenants
TIGA (Torts (Inods) Act 1977)

1. Background

The Torts (Interference IGA") is a statute that reformed the law concerning wrence, damage, destruction or disposal of goods in cer where possessions are left in a property by a tenant afte

2. "Involuntary bailmen

If a tenant leaves possfter the end of a tenancy, the landlord becomes in law". The tenant, as owner of the goods, is the "bailor".

The landlord has a dutycklessly damage or destroy the goods, and not to sell orm.

The landlord should takes and describes the goods and their condition, and shophotographs of the goods and obtaining an estimate of

TIGA introduced a remean exercise in this situation so that they do not have toly. The remedy is in the form of a procedure which, if folnables the goods to be lawfully sold or disposed of by tthe landlord is not the owner of the goods. We have outlaragraph 4 below.

If the landlord does nothe landlord will become legally liable to the tenant if thf the legal duty to refrain from damaging, destroying, seing of the goods.

3. Abandonment of goo

There would be no neeocedure if the goods could be treated as "abandoned"blishing that goods have *in law* been "abandoned" is nossitates showing good evidence of an intention and an andon them. We would strongly caution landlords againsonment" as a basis for disposing of goods. Instead, landlod to use the TIGA procedure in Paragraph 4 below*.

4. TIGA Procedure

Notice of Intention to S

Section 12(3) of TIGA aldispose of the tenant's goods if the tenant has failed toroperty. The landlord must first serve on the tenant a ntention to sell the goods which meets the requirements TIGA. See our template:

> ➢ *Notice of Propt's Left Behind Possessions (Residential Prop*

Sale of the Goods

Once the period of notice [...] Intention to Sell has expired, the landlord may lawfully sel[...] IGA sets out several constraints on that sale, as follows.

- Section 12 deals [...] the landlord cannot ensure that the tenant will ac[...]es because the landlord is not able to trace or c[...]ant. In such a case, the landlord should take lega[...]nd how TIGA applies, how and whether it may be[...]dy, and the steps to take in the circumstances.

- If the express ter[...]ment limit or contradict any right given to the land[...]ress terms will prevail over the TIGA rights, and [...]y be exercised subject to giving full effect to those [...]

- The landlord mus[...] that the tenant owns the goods.

- If the landlord exe[...]nder Section 12(3), the landlord will be liable to a[...] the proceeds of sale, less any costs of sale and [...]s that the landlord should have adopted the be[...]reasonably available in the circumstances.

- TIGA does not giv[...]charge the tenant with the costs of unwanted stora[...]e Tenant Fees Act 2019 (affects England only), a[...]om charging the tenant for the costs of storage a[...]ssions left behind by the tenant. A landlord could [...]nalties and subsequent offences could result in a c[...]

5. **Sale by Court Order**

Although the scope of t[...]ds only to the sale of a tenant's goods by a landlord as [...]dy, for completeness we should also mention that TIGA [...]sale to be authorised by a court where a landlord satisf[...]dlord is entitled to sell the goods under Section 12, or t[...]be so entitled if they had given notice under Schedule [...]

Section 13 of TIGA se[...]h a court authorised sale. The court may authorise th[...]ect to any terms and conditions that it wishes to impos[...]he landlord to deduct from the proceeds of sale any c[...]ount due from the tenant to the landlord in respect of [...]s that the court can direct the payment into court of th[...]ess any amount it requires to be deducted, to be held to [...]

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6. General

Before proceeding to i[...]/disposal procedure, or deciding how to act when a tena[...] possessions from a property, a landlord should consid[...] advice. Legal advice is likely to be required if the lan[...] mmunicate with the tenant. A landlord may also ne[...] whether and how the TIGA sale/disposal procedur[...] of TIGA and other provisions in Section 12 apply to the[...]

When using our Notice[...] lords should adapt the notice as appropriate, and cons[...] to take legal advice about its content and use.