

7. Disposal of abandoned goods

- (1) If a residence contract is terminated and goods are abandoned on the residential premises by a former resident of a retirement village, the administering body of the retirement village may, after the expiration of 2 days from the termination of the contract, remove and destroy or dispose of the goods if —
 - (a) the goods are perishable foodstuffs; or
 - (b) the estimated value of the goods is less than the total estimated cost of the removal, storage and sale of the goods.
- (2) Where a residence contract is terminated and goods are left on the residential premises that were subject to the residence contract and have not been removed for destruction or disposal under subregulation (1), the administering body shall store them in a safe place and manner for a period of not less than 60 days.
- (3) An administering body shall before the expiration of 7 days after it has stored goods under subregulation (2) —
 - (a) where the former resident has informed it of a forwarding address, send a notice to the resident at that address in or to the effect of Form 3 in Schedule 1; and
 - (b) cause a notice in or to the effect of Form 4 in Schedule 1 to be inserted in a newspaper circulating generally throughout the State.
- (4) At the request of an administering body, the Commissioner may state in writing where or not in his or her opinion there are reasonable grounds for believing that subregulation (1) applies in respect of particular goods.
- (5) A person who has a lawful right to goods removed and stored under subregulation (2) may at any time before the goods are sold under subregulation (6) reclaim the goods upon paying to the administering body the reasonable costs of the removal and storage of the goods.
- (6) Where goods are stored under subregulation (2) and have not been reclaimed within 60 days after the day on which they were removed and stored, the administering body shall as soon as practicable after the expiration of that period cause them to be sold by public auction.
- (7) If goods are stored, removed and sold by public auction under this regulation, the administering body is entitled to retain out of the proceeds of the sale the reasonable costs of removing, storing and selling the goods.
- (8) An administering body shall not incur any liability in respect of the removal, storage or sale under this regulation of goods to which subregulation (1) does not apply, except liability for intentional or negligent damage to the goods or where the administering body has actual notice of any interest in the goods of any person other than the former resident and fails to take all reasonable steps to notify that person of the whereabouts of the goods and afford that person a reasonable opportunity to reclaim the goods.
- (9) Where a dispute arises between an administering body and a former resident in respect of goods to which this regulation applies, the State Administrative Tribunal may upon application by such person, order the payment of any

amount or make such other order as it considers appropriate in the circumstances.

- (10) The provisions of this regulation are subject to any order of the State Administrative Tribunal made under section 70(2) of the Act.

[Regulation 7 amended in Gazette 30 Dec 2004 p. 6925.]