

POLICY

ENDING TENANCIES INCLUDING TENANT TRANSFER AND EVICTION

RECORD DETAILS

Policy	AHA Ending Tenancies Policy
Date authorised by Executive	October 2015
Review responsibility	Executive General Managers (South/North), GM Mallee
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Version	V 6

PURPOSE

To outline Haven; Home, Safe (HHS) Affordable Housing Association (AHA)'s approach to ending tenancies, including voluntary exits, forced termination and abandonment, consistent with the requirements of the Residential Tenancies Act 1997 (RTA), National Community Housing Standards and HHS's Purpose and Vision Statement.

POLICY

It is HHS's policy to ensure tenancies are ended in a way that is legal and minimises the impact on the organisation and renters.

- HHS will deal with voluntary or forced termination of tenancies in a manner that is fair, transparent and complies with the provisions of the RTA 1997. HHS will ensure the tenancy is secure unless the renters have broken specific conditions of the Residential Rental Agreement
- HHS must inform renters verbally and in writing at sign-up, of their rights and obligations in relation to ending a tenancy and explain how the likelihood of VCAT intervention can be reduced.
- The Tenancy and Property Manager must inform the renter of the Complaints and Appeals Resolution Mechanism.
- Rental Repayment Agreements will be entered into, where appropriate.
- Renters must be encouraged to attend any Tribunal or legal hearings relating to their tenancy.
- Access to support agencies or advocates must be facilitated where it is identified that such a referral may assist the renter to maintain the tenancy.

PROCEDURE

Voluntary Tenancy Termination:

- Renters must give 28 days' written notice if they choose to end their tenancy in accordance with the provisions of the RTA. The notice must be addressed to the Tenancy and Property Manager and is effective from the date received. The 28-day Notice Period may be waived at the discretion of the HHS General Managers of Housing (Bendigo, Mallee and Southern) if there are extenuating circumstances or if the client receives and accepts an Offer of Public Housing which only requires 14 days written notice
- Renters wanting to vacate during a fixed term tenancy will be considered on a case-by-case basis and through negotiation with the Tenancy and Property Manager. Voluntary exit during a fixed term tenancy may incur costs in relation to rent owed and/or advertising as per RTA.
- The Renter is to ensure rent is paid up to, and including, the tenancy end date and any outstanding repairs or maintenance issues are rectified and concluded.
- The Tenancy and Property Manager must provide reasonable notice to the renter of any inspections to occur prior to the end of the tenancy; including inspections by prospective renters accompanied by the Tenancy and Property Manager. Reasonable notice is defined by the RTA.

- HHS will encourage renters to attend a joint property inspection at the end of a tenancy. The Condition Report, completed at the beginning of the tenancy will provide the mechanism for agreement to be reached on outstanding repair or maintenance issues that may create a debt for the outgoing renter and therefore affect the return of the bond.
- HHS will apply to VCAT to seek an Order for any outstanding rent arrears, outstanding maintenance or damage to the property. All debts owing to the organisation will be pursued for collection.
- Once the property has been deemed vacated, the Tenancy and Property Manager will apply to the Residential Tenancies Bond Authority (RTBA) for return of bond to the renter or alternatively the Tenancy and Property Manager may apply to the RTBA to recover bond monies owed to HHS, as determined by VCAT.

Involuntary Tenancy Termination (Eviction):

- Renter action, or inaction, which breaches the conditions of the RTA may become subject to VCAT determinations.
- Where HHS considers VCAT proceedings to be necessary, renters will continue to be treated fairly and respectfully whilst HHS attempts to resolve the issues that have led to a breach of the Tenancy Agreement.
- Renters are to be informed of their rights and responsibilities if VCAT action is pending and will be informed of their right to seek independent advice and the assistance of an advocate or support agency.
- The Tenancy and Property Manager will provide information to the renter in relation to alternate housing options and support services if the renter is required to leave the property.
- The Tenancy and Property Manager will apply to VCAT to seek an Order for any outstanding rent arrears, compensation for outstanding maintenance, damage to the property or cleaning costs.

Abandonment of Tenancy

- HHS will act within the RTA to recover possession of an abandoned property and deal with renter goods left behind.
- HHS will gather strong evidence and exhaust all avenues to determine whether a property has been abandoned which may include the Tenancy and Property Manager undertaking the following assessments:
 - Determine whether the renter's possessions, including clothing, personal belongings, toiletries, etc. have been removed.
 - Monitor the collection of mail.
 - If known, making verbal contact with next of kin, family, friends, neighbours, support workers, etc.
- The Tenancy and Property Manager will take necessary steps to contact the renters and inform them of how long their possessions will be stored for in line with the RTA.
- HHS will dispose of goods left behind (as permitted under legislation) and seek to recover costs incurred via VCAT.
- HHS will pursue rental arrears, maintenance, cleaning and other claimable costs incurred as per RTA.
- HHS will make every effort to contact renters to gain feedback concerning the reason for ending the tenancy and the renter's new address.