

ENDING A TENANCY POLICY

Providing affordable accommodation for low income
and disadvantaged single people

Purpose

The purpose of this policy is to explain how a resident of St Kilda Community Housing Ltd (SCH) can end a tenancy.

Scope

This policy applies to all residents who live in properties owned or managed by SCH.

Communication

SCH will ensure this policy is readily available to all residents. This policy will also be made available to neighbours who raise concerns or complaints about SCH tenants.

Policy Statement

A tenancy ends when the legal agreement (Occupancy Agreement) between the landlord and the resident ceases to apply to either party. The tenancy ends when the resident vacates the property and keys

have been returned to SCH or the resident abandons the property. SCH can also end the tenancy for a resident breach.

SCH will end tenancies:

- In accordance with the *Residential Tenancies Act (1997)*
- In a manner which minimises adverse impacts on the parties involved
- In a manner which is sensitive and compassionate
- In a manner that the resident's human rights is taken into consideration
- In a manner that ensures residents have access to information and support

Resident decides to end the tenancy

SCH requires the following from residents to end a tenancy:

- At least two days' notice from residents
- Completion of an Exit Notice
- To leave the room in a clean and re-tenantable condition
- Dispose of any rubbish and hard waste
- Return of the keys

SCH will conduct a room inspection with the resident prior to the resident leaving.

SCH will reconcile the resident's rent account and refund any overpayment of rent or claim any debts owed to SCH.

SCH will manage resident information in line with the SCH Privacy Policy.

SCH will fulfil its legal obligations when residents leave possessions behind as per SCH Goods Left Behind Policy.

Tenancy ends due to a property management decision

SCH takes steps to end tenancies through relocation in line with renovation or upgrade of a property. SCH will take the following steps:

- Communicate with residents throughout the process
- All residents receive a 120 Day Notice to Vacate with a letter explaining the process
- Meet with the residents regularly
- Vacancies within SCH properties will be prioritised for residents relocating
- Assist residents to relocate to the new property

End of a tenancy for a resident breach

SCH takes action to end a tenancy for a breach only after all appropriate tenancy management options have been exhausted. SCH takes steps to end a tenancy as per the Residential Tenancies Act (1997).

Eviction

SCH aims to do whatever is reasonable to maintain tenancies. However, this is not always possible and SCH may take steps to take possession of a property through legal action.

VCAT can make orders at a hearing for an Order of Possession to end a tenancy. Following this, SCH has six months to purchase a Warrant of Possession to take possession of a property.

However, should SCH issue an immediate Notice to leave to a resident for a serious act of violence by a resident or their visitor or for threatening the safety of other people on the premises, then the tenancy is immediately suspended for 2 business days or until VCAT has heard and determined the application.

Throughout the legal process and prior to purchasing a Warrant of Possession, SCH will consider the potential impact of eviction on the human rights of the residents through completing a Human Rights Impact Assessment.

The purpose of this is to ensure:

- SCH have considered the human rights of the resident/s
- SCH policies and procedures were followed
- SCH have followed the Residential Tenancies Act 1997

- The risks to the resident, their neighbours and the organisation of this decision has been considered
- The permission to evict is considered at a management level
- Eviction is the action of last resort

Depending on the nature of the legal action, SCH will attempt to contact the resident prior to the Warrant of Possession being obtained to negotiate an agreement or another solution.

If this is not possible or appropriate and the Human Rights Impact Assessment has been completed, SCH will:

- Apply for a Warrant of Possession
- Set a time with Police to attend the property
- Inform residents of date and time of eviction
- Provide information on emergency housing options
- With the police, proceed to evict the resident/s and take steps to ensure the property is secure and only accessible by SCH.

Legislation and standards

This policy implements the obligations of SCH under:

- Residential Tenancies Act 1997
- Housing Act 1983 (Vic)
- Guidelines for Registered Housing Agencies published by DHHS
- Performance Standards for Registered Housing Agencies
- Charter of Human Rights and Responsibilities
- SCH Good Neighbours Policy
- SCH Privacy Policy
- SCH Human Rights Impact Assessment

Transparency and accessibility

This policy will be available on the SCH website at www.stkch.org.au

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