

POLICY NUMBER: 7.13  
VERSION NUMBER: 1.1  
EFFECTIVE DATE: 1 August 2019  
AUTHORISED BY: BAH Management

## **CHARGING TENANTS FOR DAMAGES POLICY**

### **1. PURPOSE**

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This policy establishes the approach of Baptcare Affordable Housing (BAH) when assessing liability for damage to a property caused by a tenant, other members of their household or their visitors. This policy does not apply to debts due to rent arrears (See Arrears Management and Hardship Policy).

### **2. SCOPE**

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This policy applies to all long-term rental properties owned and/or managed by BAH.

### **3. PRINCIPLES**

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BAH is committed to providing housing that is maintained to a high standard. To this end, BAH will:

- Charge tenants for damage or unauthorised alterations under the responsibilities set out in the Residential tenancies Act 1997 (Vic) S. 61 and S. 64.
- Ensure that tenants understand their rights and responsibilities under the Residential Tenancies Act 1997 (Vic) in relation to any damages or unauthorised alterations to properties. S. 61 and S. 62.

### **4. TENANT DAMAGE**

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Tenant damage is defined as any damage that is other than fair wear and tear, which results in damage to the premises and common areas. This includes any modifications to the property where prior consent has not been obtained from BAH. For further details see the Alterations and Disability Modifications Policy.

Examples of such damage may include:

- Burns to carpets
- Broken windows
- Holes in walls

- Damages to toilets, basins, showers and baths
- Malicious damage to the premises
- Damage caused by neglect

Any damage will be assessed against the property condition reports signed by BAH and the tenant at the start of the tenancy and undertaken on a regular basis thereafter.

Tenant responsibility in relation to damages will be assessed when BAH first becomes aware of the damage, either through regular inspections or through tenant notification.

## 5. RECOVERING COSTS

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BAH will inform all tenants at the commencement of their tenancy that BAH will take action if they are found to be responsible for deliberate damage or damage due to neglect.

BAH may seek to recover costs following assessment of the damage either through a repayment agreement or through a non-rent charge against a bond if the tenancy has ended. BAH may also seek to recover costs.

Action to recover costs may involve issuing a Breach of Duty Notice.

In cases of malicious damage or the damage is such that the premises have been left uninhabitable, BAH will serve an immediate Notice to Vacate and an Order of Possession under S. 243 and S. 245 of the Residential Tenancies Act 1997 (Vic) will be sought from Victorian Civil and Administrative Tribunal (VCAT).

## 6. WAIVER OR REDUCTION OF LIABILITY

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BAH will take into consideration any mitigating circumstances when considering waiving or reducing tenant liability for damage. These circumstances may include:

- Where you cannot reasonably be held responsible for the damage in instances of family violence
- Any health issues that may affect your capacity to prevent the damage.

BAH may also take into consideration any other factors that it believes may have affected the tenant's ability to prevent the damage. This will be determined on a case-by-case basis by the CEO and in accordance with hardship provisions.

## 7. RELATED DOCUMENTS, STANDARDS OR LEGISLATION

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BAH Property Inspections Policy  
BAH Ending Tenancies Policy  
BAH Alterations and Disability Modifications Policy



BAH Rent Policy  
BAH Bond Policy  
Housing Act 1983 (Vic)  
Residential Tenancies Act 1997 (Vic)  
Housing Registrar Regulatory Framework  
Housing Registrar Performance Standards 1

## 8. MONITORING AND REVIEW

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This policy will be periodically reviewed and revised at periods not exceeding two years. This policy will also be reviewed in relation to all new contracts to provide additional housing and revised as needed to ensure compliance.

## 9. TRANSPARENCY AND ACCESSIBILITY

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This policy will be available on the BAH website: [www.baptcare.org.au/services/housing/affordable-housing](http://www.baptcare.org.au/services/housing/affordable-housing)