

POLICY NUMBER: 7.9
VERSION NUMBER: 3.1
EFFECTIVE DATE: 1 August 2019
AUTHORISED BY: BAH Management

ENDING TENANCIES POLICY

1. PURPOSE

The purpose of Baptcare Affordable Housing's (BAH) Ending Tenancies Policy is to ensure that tenants understand how their tenancy can end.

2. SCOPE

This policy applies to all tenants of properties owned and/or managed by BAH.

3. PRINCIPLES

BAH is committed to ensuring that all tenants know and understand their rights and responsibilities at the commencement of their tenancy about how they or BAH can end a tenancy. BAH will at all times act in a manner that is consistent with its Mission, Vision and Values requiring fairness and transparency and in accordance with its legal requirements under the Residential Tenancies Act 1997 (Vic).

To achieve this, when a tenancy ends, BAH will

- Act at all times in accordance with the provisions of the Residential Tenancies Act 1997 (Vic)
- Assist tenants with information about advocacy services when ending a tenancy
- Ensure tenants have access to, and understand, the reasons for decisions made to terminate a tenancy.
- Ensure tenants understand their rights to have decisions reviewed.

4. WHEN A TENANT DECIDES TO LEAVE

When a tenant decides to leave a property BAH requires them to give 28 days notice of intention to vacate by letter addressed to the Tenancy Manager. The 28 days will start from the day BAH receives the letter.

In some circumstances they may only have to give 14 days notice. This applies when:

- The landlord has given you a 120 day Notice to Vacate
- The landlord has given you a 60 day Notice to Vacate

- They require special or personal care that you cannot get at your rented property
- They have a written offer of public/community housing elsewhere

When tenants wish to leave a property before the end of the Tenancy Agreement this will have to be negotiated with the Tenancy Manager on a case-by-case basis.

When BAH receives the letter informing of an Intention to Vacate, the following process will apply:

- The rent is to be paid until the date the tenant vacates the property.
- Any over-payment of rent and/or other charges will be refunded by BAH.
- BAH will arrange a joint inspection of the property with the tenant, using the latest property condition report to discuss fair wear and tear and identify any damage for which they might be responsible
- Tenants must remove any fixtures and fittings and restore the property to its original condition unless otherwise agreed with BAH
- Tenants shall give BAH a forwarding address – where known.

If Tenants are leaving a BAH property with rent arrears or damage to the property, BAH will encourage them to enter into a debt repayment agreement.

However, should you not enter into a Repayment Agreement nor agree to pay any outstanding debts in full, then BAH will seek to recover costs associated with any damage to the property or outstanding rent arrears in accordance with the provisions of the Residential tenancies Act 1997. In cases where you have paid a bond, BAH may apply to the Residential Tenancies Bond Authority to recover monies owed.

5. INVOLUNTARY ENDING OF A TENANCY - EVICTION

At all times, BAH will endeavour to ensure that tenancies are sustainable and that all tenants are treated fairly and with respect.

However, from time to time BAH will be required to issue Notices to Vacate and pursue an Order for Possession when serious breaches of the tenancy agreement have occurred. This will only happen when all other options have been exhausted and the reasons for the breaches have not been rectified.

BAH will take steps to end a tenancy according to the provisions of the Residential Tenancies Act 1997 (Vic) and outlined in the following policies:

- Neighbours Policy
- Tenant Recharge Policy
- Arrears Management and Hardship Policy

BAH will apply to VCAT for an Order of Possession to end the Tenancy Agreement. If granted, BAH has 6 months in which to purchase a Warrant of Possession. During the six months, BAH will work with tenants to negotiate an agreement or otherwise reach a solution to ensure that eviction is avoided.

BAH will consider the potential impact that eviction may have on the human rights of the tenant and their household by conducting a Human Rights Impact Assessment.

If no agreement is made or solution is found then BAH will undertake the following:

- Purchase a Warrant of Possession
- Reach an agreed time for the police to attend the property
- Inform the tenant of the date and time of the eviction
- Inform the tenant of other housing options, including emergency housing options.
- With the police, evict the tenant and secure the property.

The decision to purchase a Warrant of Possession will be made by the CEO upon reviewing all the information.

6. TENANCY ABANDONED

There may be occasions when a tenant leaves a property without informing BAH or their Tenancy Manager. Under these circumstances, BAH will apply to VCAT for an order declaring that the tenant has abandoned the property.

Any goods left behind will be stored or disposed of in line with the provisions of the Residential Tenancies Act 1997.

7. RELATED DOCUMENTS, STANDARDS AND LEGISLATION

BAH Tenant Recharge Policy
BAH Arrears Management and Hardship Policy
BAH Neighbours Policy
Residential Tenancies Act 1997 (Vic)
Housing Act 1983 (Vic)
Victorian Housing Registrar Performance Standards

8. MONITORING AND REVIEW

This policy will be reviewed every two years or earlier if the legal, regulatory and contractual environment requires.

9. TRANSPARENCY AND ACCESSIBILITY

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