

POH1925

ENDING A TENANCY POLICY

1. PURPOSE

The purpose of this policy is to explain how a renter of a Women's Property Initiatives (WPI) property can end a tenancy, and to ensure that tenancies are ended in a way that is legal and minimises the impact on WPI.

2. POLICY SCOPE

This policy applies to all renters who live in properties owned and/or managed by WPI.

3. POLICY STATEMENT

A tenancy ends when the legal agreement (Residential Rental Agreement) between the residential rental provider (formerly called 'landlord') and the renter ceases to apply to either party. The last day of the tenancy is the day the renter needs to vacate the property and keys have been returned or obtained by WPI. A Residential Rental Agreement also ends when a renter abandons a property.

3.1 WPI will end tenancies:

- In accordance with the Residential Tenancies Act 1997 (Vic) (RTA)
- In a manner which minimises adverse impacts on the parties involved
- In a manner which is sensitive and compassionate and facilitates natural justice
- In a manner that ensures renters have access to information, reasons for decisions made, the ability to review decisions and maintains their privacy.

3.2 Renter decides to end a tenancy

WPI and the renter can terminate the Residential Rental Agreement through mutual agreement.

WPI requires the following from renters to end a tenancy:

- At least 28 days' written notice from renters
- Completion of a *Notice of Intention to Vacate Form*

After receiving the Intent to Vacate Form, WPI will:

- Inform the renter of their responsibilities upon vacating the property.
- Conduct a property inspection and identify any repairs that are the responsibility of the outgoing renter.
- Reconcile the renter's account and refund any overpayment of rent and other charges or claim any debts owed to WPI.
- Record forwarding contact details (if known and available).
- Manage renter information in line with both WPI's Privacy Policy and Privacy and Information Sharing Policy.

3.3 Tenancy ends due to a property management decision

Subject to the RTA, WPI takes steps to end tenancies through relocation to alternative premises if any of the following matters arise:

- Underutilisation of a property
- Overcrowding of a property
- No longer eligible for the National Rental Affordability Scheme (NRAS)
- Redevelopment of a site
- Renovation of a site

WPI offers suitable alternative housing if a renter agrees to end their tenancy at WPI's request or where their property is being redeveloped or renovated. Where the property is owned by WPI, renters will be compensated for removal costs associated with moving to another property.

WPI will communicate with renters throughout this process and provide reasonable opportunities for relocation. However, if a renter does not agree to end their tenancy at WPI's request, based on the above circumstances, appropriate action through the Victorian Civil and Administrative Tribunal (VCAT) and in accordance with the RTA, will be taken to end the tenancy.

3.4 End of tenancy for a renter breach

WPI's objective when appearing before VCAT is to, where possible, maintain the tenancy through an agreement being reached between the renter and the Residential Rental Provider (WPI). WPI takes action to end a tenancy for a breach only after all appropriate renter management options have been exhausted.

WPI takes steps to end a tenancy as per the RTA in line with the following policies:

- Family Violence Policy
- Renter Damage Policy
- Renters' Rights and Participation Policy

3.5 Eviction

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

VCAT can grant a possession order after a notice to vacate has been given and the renter does not move out on the date specified in the notice. If a possession order is granted, WPI has six (6) months to purchase a Warrant of Possession to take possession of a property if the renter does not leave by the date in the possession order.

Throughout the legal process and prior to purchasing a Warrant of Possession, WPI will consider the potential impact of eviction on the human rights of the renter and/or their household.

The purpose of this is to ensure:

- WPI has considered the human rights of the renter
- WPI policies and procedures were followed
- WPI has followed the Residential Tenancies Act 1997 (Vic)
- The risks to the renter and the organisation of this decision have 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, WPI will attempt to contact the renter prior to the Warrant of Possession being obtained to try and negotiate an agreement or another solution.

If this is not possible or appropriate, WPI will:

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

3.6 Abandoned Goods

Goods left behind in or around a property by a renter following the end of a tenancy will be treated in compliance with the RTA.

4. RELEVANT DOCUMENTATION

POC1803 Addressing Family Violence Policy

POG1703 Privacy Policy

POH1924 Privacy and Information Sharing Policy

POH1921 Inspections Policy

Intent to Vacate Form

Victorian Housing Registrar Performance Standard 1 (Renter and housing services)

Consumer Affairs Victoria (CAV) forms and templates

5. RELEVANT LEGISLATION

Residential Tenancies Act 1997 (Vic)

Housing Act 1983 (Vic)

Charter of Human Rights and Responsibilities 2006 (Vic)

6. POLICY REVIEW AND VERSION CONTROL

Policy number	POH1925	Version	0.6
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Responsible person	CEO	Person responsible to review	Operations Manager
Reviewed on	15 April 2021	Scheduled review date	April 2023