

ENDING A TENANCY PROCEDURE (LANDLORD INITIATED)

Procedure number	PPOL009P	Version	v1.0
Drafted by	Program Development Coordinator	Approved by Board on	25 October 2017
Responsible Person	Program Director	Scheduled Review Date	25 October 2019

1. RESPONSIBILITIES

1.1 Landlords are responsible for following these procedures.

2. PROCEDURES

- 2.1 Best Practice Advice: one of the primary goals of the Program, as well a responsibility under the Performance Standards for Registered Housing Agencies, is to strive to maintain tenancies wherever possible. In light of this, landlords are recommended to contact CEHL for advice and support before commencing the process of ending a tenancy.
- 2.2 Prior to seeking a Possession Order, the landlord is required to negotiate with the tenant to attempt to resolve the matter, except where:
 - a. the tenant has failed to meet or refused to make an agreement with the landlord
 - b. the matter relates to danger or violence
 - c. the matter relates to malicious property damage
 - d. there has been illegal use of the premises
 - e. the tenant has failed to attend the VCAT hearing.
- 2.3 Prior to seeking a Possession Order, the landlord is required to inform CEHL that this action is being taken.
- 2.4 Having obtained a Possession Order, where appropriate the landlord may enter into negotiations with the tenant over the following six months in an attempt to sustain the tenancy.
- 2.5 CEHL is required at this point by the Victorian Charter of Human Rights to carry out an assessment.
- 2.6 In the event of the failure of the negotiations or a breach of the agreement by the tenant, the landlord is to inform the tenant that a Warrant of Possession will be purchased. This contact must cover:
 - a. information on the process for the execution of the warrant
 - b. discussion of the best possible time for the eviction to take place
 - c. permission from the tenant for the landlord to dispose of any belongings left behind after the eviction.

- 2.7 The landlord purchases a Warrant of Possession of 30 days, ensuring that the warrant is delivered to the landlord and not the police.
- 2.8 The landlord makes contact with the police to determine the time that they will attend the property to execute the warrant.
- 2.9 The landlord arranges for a locksmith to change the locks on the property at the point of eviction.
- 2.10 The landlord attends the execution of the warrant with the police and, if possible, the locksmith. (The landlord must attend the execution of the warrant unless there is an agreement with CEHL to be present).
- 2.11 Where belongings remain on the property, and permission to dispose of the belongings has not been granted, the landlord contacts CEHL for best practice advice.
- 2.12 The landlord must consider the implications for the ex-tenant's Co-op membership.

3. DEFINITION

3.1 Possession order:

If a tenant or resident has been given the appropriate notice to vacate a property, rooming house (a building where one or more rooms are available to rent, and four or more people in total can occupy those rooms), caravan park or site under site agreement, and has not left by the end of the due date, the landlord or owner can apply to the Victorian Civil and Administrative Tribunal (VCAT) for an Order for Possession. This order may instruct the tenant or resident to vacate. It may also allow the landlord to obtain a warrant, which may then be executed by Victoria Police to evict the tenant or resident.

3.2 Warrant of Possession

This is a Court order allowing the landlord to regain control of the property.

4. RELATED DOCUMENTS

- 4.1 [Performance Standards for Registered Housing Agencies.](#)
- 4.2 [Residential Tenancies Act 1997.](#)
- 4.3 Ending a Tenancy (Landlord Initiated) Program Policy
- 4.4 Referral to Support Agencies Program Policy.
- 4.5 Ending a Membership Best Practice Guide (to be developed).

5. MANAGING DIRECTOR AUTHORISATION

Approved by Date of approval 26 / 07 / 2017

Position Managing Director Stephen Nash