

## PROGRAM POLICY: LEAVE OF OCCUPANCY BY THE TENANT

Policy number	PPOL017	Version	v1.0
Drafted by	Program Development Coordinator	Approved by Board on	26 July 2017
Responsible Person	Program Director	Scheduled Review Date	26 July 2019

### 1. PURPOSE

- 1.1. The purpose of this policy is to specify the circumstances in which a tenant may be granted a leave of occupancy from their property.

### 2. POLICY CONTEXT

Tenants should be given the opportunity to take a leave of occupancy, for a set time and under certain circumstances, without the risk of losing their security of tenure. A decision regarding a leave of occupancy must take into consideration the needs of the Co-op and the Program. The Performance Standards for Registered Housing Agencies require registered agencies to be sensitive to clients with complex needs in the allocation of housing assistance and to ensure its policies and procedures strive to sustain tenancies.

### 3. POLICY STATEMENT AND PRINCIPLES

#### 3.1 STATEMENT

- a. Tenants may take a leave of occupancy where that leave of occupancy is time limited, and there is clear evidence that they will return, and balances the need of the tenant with those of the co-op and the Program.
- b. Where the tenant is a member of a co-op, prior agreement must be made between the co-op and the member with regard to their leave of absence and their participation requirements.

#### 3.2 PRINCIPLES

- a. A tenant may request a leave of occupancy from their landlord for a period of up to six consecutive months.
- b. The total cumulative leave of occupancy for a tenant cannot be greater than 12 months within any five year period.
- c. A landlord may grant a leave of occupancy where the following conditions are agreed to by the tenant:
  - i. the period of leave requested is no longer than six months
  - ii. the tenant will continue to pay the current rent throughout the period of the leave

- a) a tenant may apply to the landlord for an exemption to the above clause, 3.2.3b, if they can provide suitable evidence of financial hardship and that the circumstances of the requested leave are beyond their control
  - b) where a tenant's rent has been reduced, as per 3.2.3 (b)(i), and the landlord is a co-op, the landlord may apply to the CEHL Program Director for an adjustment to the first schedule.
- iii. the tenant must nominate a contact person who can take responsibility for their tenancy obligations, and provide this person's contact details to the landlord
- iv. the tenant or their representative must supply written evidence that they are returning to the tenancy.
- d. Written approval of the leave request is issued to the tenant (and minuted at a co-op meeting, where relevant), clearly detailing the dates of leave approved and the responsibility of the tenant to make contact on their return.
- e. A leave of occupancy of longer than six consecutive months must be approved by the landlord who will notify CEHL.
- f. In considering a request for a leave of occupancy longer than six consecutive months, the landlord will consider:
  - i. the circumstances of the requested leave
  - ii. opportunities to minimise Program detriment, including any alternative use of the property and appropriate rent to be charged.
- g. Where a leave of occupancy is not approved, CEHL will consider a request by the co-op for the person to become an unhoused member.

## 4. SCOPE

- 4.1 This is a Program Policy. It applies to all residential tenancies managed by CEHL or its member Co-ops.

## 5. DEFINITIONS

- 5.1 For all definitions relating to this policy, please refer to the Program Glossary.

## 6. LEGAL REQUIREMENTS

- 6.1 This policy adheres to and incorporates guidance from:

- a. [Residential Tenancies Act 1997.](#)
- b. [Performance Standards for Registered Housing Agencies: section 1 Tenant and Housing Services.](#)
- c. [Victorian Charter of Human Rights and Responsibilities 2006.](#)

## 7. PROGRAM REQUIREMENTS

- 7.1 This policy is consistent with:

- a. International Co-op Principles:

Open & Voluntary Membership  
Democratic Control by Members  
Co-operation among Co-operatives  
Concern for Community.

- b. Program Principles:
  - Security
  - Affordability & Financial Sustainability
  - Participation
  - Membership & Growth
  - Changing Needs
  - Working Together.
- c. CCA.

## **8. RELATED PROGRAM POLICIES**

8.1 This policy should be considered in conjunction with:

- a. Security of Tenure Program Policy (to be developed).
- b. Appropriate Use of Property Program Policy.
- c. Rent Assessment Policy.
- d. Property Allocation for Unhoused Members Program Policy.
- e. Participation Program Policy (to be developed).

## **9. BOARD AUTHORISATION**

Approved by	CEHL Board .....	Date of approval	26 / 07 / 2017
Position	CEHL Chair		Karren Walker