

PROGRAM POLICY: ENDING A TENANCY (RESIDENTIAL RENTAL PROVIDER INITIATED)

Policy number	PPOL009	Version	v2.0
Drafted by	Program Development Coordinator	Approved by Board on	29 September 2020
Responsible Person	Program Director	Scheduled review date	29 September 2025

1. PURPOSE

1.1. The purpose of this policy is to:

- a. ensure that residential rental providers deal with conduct that may result in the eviction of a renter in a prompt and fair manner
- b. minimise instances of eviction
- c. where an eviction is necessary, ensure the renter is fully informed of their rights and obligations and offered access to support agencies.

2. POLICY CONTEXT

The Residential Tenancies Act (RTA) has specific provisions in relation to ending a tenancy including in instances of eviction. The RTA provisions that apply must be considered in the context of the Performance Standards for Registered Housing Agencies, which require registered agencies to treat eviction as a mechanism of last resort.

3. POLICY STATEMENT AND PRINCIPLES

3.1 STATEMENT

- a. Residential rental providers will respond to conduct that may result in eviction promptly and fairly.
- b. Residential rental providers will strive to minimise evictions.

3.2 PRINCIPLES

- a. Co-ops must notify CEHL prior to issuing a Notice to Vacate, and CEHL will acknowledge receipt.
- b. When a residential rental provider issues a Notice to Vacate, they will offer the renter information on how to contact a support agency, in accordance with the *Referral to Support Agencies Program Policy*.
- c. In the interest of minimising evictions, residential rental providers will not seek a possession order on a first attendance at VCAT, except where:

- i. the renter has not reached an agreement with the residential rental provider
 - ii. the matter relates to danger or violence
 - iii. the matter relates to malicious property damage
 - iv. there has been illegal use of the premises
 - v. the renter has failed to attend the VCAT hearing
 - vi. the property is scheduled to be sold, demolished or renovated
 - vii. the matter relates to property habitability, where the renter has been offered appropriate alternative accommodation in accordance with the *Appropriate Alternative Accommodation Program Policy*.
- d. Residential rental providers will seek possession on any second VCAT attendance relating to non-compliance on a previous order or where there has been a sustained history of VCAT orders.
- e. Where a possession order has been obtained, the residential rental provider will inform CEHL immediately and the residential rental provider will enter into negotiations with the renter to remedy the breach within the subsequent six months, except where:
 - i. the order relates to a matter set out in section 3.2.c
 - ii. there has been a previous possession order for a similar matter within the preceding 12 months.

Co-ops may seek the involvement of CEHL in these negotiations.
- f. If negotiations with the renter fail or the renter breaches the agreement reached in those negotiations, a warrant of possession will be purchased.
- g. The residential rental provider must notify CEHL prior to purchasing the warrant.
- h. Upon purchase of the warrant, CEHL will refer the renter to a support agency.
- i. The renter will be advised of the process for the execution of the warrant. Consideration will be given to negotiation regarding the timing of the eviction, where possible, prior to the warrant being purchased, as well as an opportunity for the renter to collect their belongings.
- j. The renter will ensure that prior to the ending of the tenancy any outstanding debts and/or damages owed by the renter must be formalised and recorded by the residential rental provider.

- k. As part of the ending of the tenancy, member co-ops should consider the implications for the ex- renter's co-op membership.

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 and evidence guidelines](#)
- 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.

8. RELATED PROGRAM POLICIES

8.1 This policy should be considered in conjunction with:

- a. Death of a Renter Program Policy
- b. Referral to Support Agencies Program Policy
- c. Appropriate Alternative Accommodation Program Policy

9. AUTHORISATION

Approved by	CEHL Board	Date of approval	29 / 09 / 2020
Position	CEHL Chair	Heidi Lee	