



ENDING A TENANCY PROCEDURE (RESIDENTIAL RENTAL PROVIDER INITIATED)

Procedure number	PPOL009P	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. RESPONSIBILITIES

- 1.1 Co-ops as residential rental providers (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, rental providers 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 rental provider is required to negotiate with the renter to attempt to resolve the matter, except where:
 - a. the renter has failed to meet or refused to make an agreement with the rental provider
 - 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 renter has failed to attend a Victorian Civil Administrative Tribunal (VCAT) hearing(s).
- 2.3 Prior to seeking a Possession Order, a co-op as the rental provider is required to inform CEHL that this action is being taken.
- 2.4 Having obtained a Possession Order, where appropriate the rental provider may enter into negotiations with the renter 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 rental agreement by the renter, the rental provider is to inform the renter that a Warrant of Possession will be purchased. This contact must be made in writing and include:
 - 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 renter for the rental provider to dispose of any belongings left behind after the eviction.
- 2.7 The rental provider 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 rental provider.
- 2.8 The rental provider purchases a Warrant of Possession of 30 days, ensuring that the warrant is delivered to the rental provider and not the police.
- 2.9 The rental provider makes contact with the police to determine the time that they will attend the property to execute the warrant.
- 2.10 The rental provider arranges for a locksmith to change the locks on the property on the day and time of eviction.
- 2.11 The rental provider attends the execution of the warrant with the police and, if possible, the locksmith. (The rental provider must attend the execution of the warrant unless there is an agreement with CEHL for CEHL to act as the representative of the co-op in their role as rental provider).
- 2.12 Where belongings remain on the property and permission to dispose of the belongings has not been granted, the co-op as the rental provider will contact CAV for best practice advice on how to dispose of the belongings.
- 2.13 The rental provider must consider the implications for the ex-renter's co-op membership.

3. DEFINITION

3.1 Possession order:

If a renter 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 rental provider or owner can apply to the Victorian Civil and Administrative Tribunal (VCAT) for an Order for Possession. This order may instruct the renter or resident to vacate. It may also allow the rental provider to obtain a warrant, which may then be executed by Victoria Police to evict the renter or resident.

3.2 Warrant of Possession

This is a Court order allowing the rental provider 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 (Residential Rental Provider Initiated) Program Policy
- 4.4 Referral to Support Agencies Program Policy.

5. MANAGING DIRECTOR AUTHORISATION

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