

PROGRAM POLICY:

BREACH OF DUTY BY RENTER

Policy number	PPOL010	Version	v2.0
Drafted by	Program Development Manager	Approved by Board on	15 December 2021
Responsible Person	Program Director	Scheduled review date	15 December 2026

1. PURPOSE

1.1. The purpose of this policy is to:

- a. ensure that breaches of duty by renters are managed in a prompt, fair and consistent manner
- b. ensure that the management of a breach of duty by a renter has regard for the specific circumstances of the breach.

2. POLICY CONTEXT

The Residential Tenancies Act (RTA) provides for rental providers to formally seek remedy or compensation where a renter has breached a duty owed by the renter to the rental provider. The imperative to take prompt action to address a breach should be considered in the context of both the RTA timelines, and the Performance Standards for Registered Housing Agencies, which require registered agencies to strive to sustain tenancies.

3. POLICY STATEMENT AND PRINCIPLES

3.1 STATEMENT

- a. Rental providers will deal with all breaches of duty promptly.
- b. In managing a breach of duty, rental providers will balance the need to protect CEHL Program assets with the need to, where appropriate, support vulnerable renters to maintain their tenancies.

3.2 PRINCIPLES

- a. Rental providers will provide renters with timely, accurate and up-to-date information regarding the process for investigating a potential breach of the RTA or the Rental Agreement by a renter.
- b. In investigating a potential breach of duty, rental providers will ensure that the principles of natural justice are adhered to.
- c. Rental providers will take prompt action to address a proven breach of duty.
- d. Having commenced formal breach of duty action, rental providers will give renters the opportunity to remedy the breach in a reasonable timeframe, no

less than the timeframe set out in the RTA, prior to further action being taken.

- e. In accordance with the *Referral to Support Agencies Program Policy*, when appropriate and as required, renters will be offered access to relevant support agencies by their residential rental provider, to assist them to maintain their tenancy and avoid eviction.
- f. Rental providers will have in place documented procedures for managing breaches of duty.

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
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. Ending a Tenancy (Rental Provider Initiated) Program Policy.
- b. Tenancy and Housing Complaints and Appeals Program Policy.
- c. Referral to Support Agencies Program Policy.

9. AUTHORISATION

Approved by	CEHL Board	Date of approval	15 / 12 / 2021
Position	CEHL Chair		Heidi Lee