

Revised May 2021

SUNSHINE/ST.ALBANS RENTAL HOUSING CO-OPERATIVE LTD.

ENDING TENANCIES (including EVICTIONS) POLICY

Tenancies can end in a number of ways as outlined below:

Where the renter gives notice

- The co-op asks renter members to give at least 28 days notice of their intention to vacate a property. This notice should be in writing.
- The renter is responsible to leave the property (and yard) in a reasonable and clean state and to remove any items or fixtures which they have added and to repair any damage caused by such.
- Rent is payable until all keys to the property are returned
- A final inspection should be arranged ideally with the departing renter present and any renter caused damage noted. Where applicable an application to VCAT for compensation may be made if the damage is significant and the vacating renter does not agree to a reimbursement payment plan.

Where the renter has abandoned the property (and not advised the co-op)

- The co-op will refer to the Residential Tenancies Amendment Act 2018 and Residential Tenancy Regulations 2021- s384 (2) in regard to any Goods Left Behind by Renters/Occupants

Where the renter has passed away

- Section 91N of the Residential Tenancies Amendment Act 2018 sets out the process for the termination of a tenancy after the death of a renter

EVICTIONS

The Co-operative tries to avoid having to evict renters as much as is possible but at times this may become a necessary action. Such cases can occur in the following situations:

Rent Arrears

- Where a renter stops paying rent altogether and will not make or receive any contact with the co-op to explain or make a payment agreement and rent is more than 3 weeks in arrears

- Where a renter has made a payment agreement but does not adhere to the agreement and rent remains more than 3 weeks in arrears

Regular reports on the Co-operative's arrears are given to the Board. The Board will decide if a Notice to Vacate is to be issued.

Where a NTV is issued a subsequent application for a VCAT hearing will be made if the renter does not rectify their arrears and remains more than 3 weeks behind.

Notice to Vacate

- Where the Board has directed staff to issue a Notice to Vacate, such will be sent via the required VCAT form by registered post giving the renter at least 14 days notice (plus allowance time for delivery).
- If the renter who has been sent a Notice to Vacate contacts the co-op and makes some payments and also arranges a going forward payment plan further proceedings will be put on hold.
- If there has been no contact or payments made then an application for a VCAT Residential Tenancies List hearing will be made with a registered copy sent to the renter. Such application will be made once the NTV date has lapsed.
- Where the renter does not attend the VCAT hearing a Possession Order will be sought as a repayment order cannot be put in place without the renter's attendance.
- If a Compliance Order is issued by VCAT and the renter breaches such order then a subsequent application will be made to VCAT to obtain an Order of Possession.
- If the rent arrears are not rectified within 2 weeks further to an Order of Possession being granted then the Co-operative will purchase a Warrant of Possession. Staff will assist Rent Arrears Committee members to execute the eviction with the police if the renter does not vacate the premises prior to the date arranged with the police.

Under the new Residential Tenancies Amendment Act 2018 a new 'strike' system applies; the first four times in a 12-month period a renter is given a notice to vacate for non-payment of rent are treated differently to the fifth and subsequent

times a notice is given. If a renter has received four notices to vacate for rental arrears in a 12-month period, they will accrue '4 strikes' against their name. If no more notices are received during that period, the strikes will be cleared when the 12-month period ends. However, if a fifth or subsequent notice is given in the same 12-month period, the rental provider may apply to VCAT for a possession order at the end of the 14-day notice period, and VCAT may issue the order even if the renter pays the outstanding rent within the 14-day notice period.

Other issues that could lead to an eviction include the following:

- The matter relates to danger or violence
- The matter relates to malicious property damage
- There has been illegal use of the rented premises

In the case of the above matters the Residential Tenancies Amendment Act 2018 and Residential Tenancy Regulations 2021 will be referred to and a Breach of Duty Notice issued. If the matter/s are not resolved then an application will be made to VCAT. If a VCAT compliance order is issued and the tenant breaches such order then as per eviction procedures for rent arrears a subsequent application will be made to VCAT to obtain an Order of Possession. Further to an Order of Possession being granted the Co-operative will purchase a Warrant of Possession if the tenant has not vacated.