

Ending a Tenancy Policy

Purpose

This policy outlines the means by which a tenancy may end legally.

Scope

It applies to all housing programs and properties owned or managed by Salvation Army Housing (Victoria) SAHV.

Policy Statement

Principles

1. SAHV is a not for profit registered community housing provider that provides housing to people from low to moderate income who are disadvantaged by the private rental market and / or unable to secure long term housing.
2. SAHV aims at managing the end of tenancies in a fair and transparent manner, in accordance with the Residential Tenancies Act 1997 at the same time as observing the principles of the Victorian Charter of Human Rights.
3. SAHV also aims to support household to sustain their tenancy while balancing the interests of tenants, staff and the community in making decisions.
4. SAHV aims to protect the value of the assets under its management, recognising social and affordable housing is a scarce resource ensures that properties are not vacant for extended periods of time.

Tenant Initiated End of Tenancy

5. Tenant/s may choose to end their tenancy with SAHV at any point.
6. Tenant/s are required to provide written notice to SAHV, specifying their vacating date and property address.
7. The notice period is to comply with relevant legislation and / or the tenancy agreement in place.

Succession and Transfer

8. Transfers involve the ending of a tenancy and starting a new agreement as part of the move (or transfer). A transfer is a move by a tenant from one property to another.
9. Succession of tenancy occurs when the rights and responsibilities under the agreement are transferred from the existing tenant/s to another household member or other household members. Please refer to the Succession Policy.

Domestic or Family Violence

10. A tenant may end their tenancy in circumstances of domestic violence through relevant state-based processes available.
11. The tenant is not expected to pay any compensation or additional money for the early termination.

Abandonment

12. Abandonment is when a tenant leaves the property before the tenancy has ended, usually without providing a written notice. If the tenant surrenders the property by abandonment, then SAHV has to follow the legal process of repossessing the property.

This may lead in accumulation of rent arrears if rent has ceased to be paid until the repossession date.

Fixed Term Tenancies

13. Tenants within short and/or medium-term programs are placed on a fixed term tenancy agreement. These agreements are not offers of permanent housing. SAHV personnel will advise tenants of this prior tenancy commencement.
14. Depending on the program and legislation, it may be possible to establish a new tenancy once a term has ended. However, fixed term tenancies will end on the date stipulated in the written agreement unless SAHV provides advice to the contrary.

SAHV Initiated End of Tenancy

15. In certain circumstances, SAHV may seek or be required to end a tenancy. Such circumstances include:
 - the death of the tenant;
 - where the property has been abandoned;
 - persistent or serious breaches of the Residential Tenancies Act by tenants requiring SAHV to take action.
16. SAHV will support tenants to rectify any tenancy management issues, and wherever possible, sustain their tenancy to prevent the end of a tenancy.
17. SAHV will consider the impact of ending the tenancy on a case by case basis.
18. SAHV will aim to balance the interests of tenants, employees and the community in making decisions relating to the sustainability of tenancies.
19. Ending the tenancy will be a planned process with the household and / or in conjunction with the tenant/s support worker if and when appropriate.
20. Tenants are given the opportunity to appeal organisational decisions in order to ensure fair and transparent outcomes.

Definitions

Notice to Vacate	A legal notice served on a tenant as per section 246 of the Residential Tenancies Act 1997, where rental arrears of 14 days or more have accrued on a tenant's rental account
Order for Possession	An order granted by VCAT giving the department the right to obtain a Warrant to evict the occupants and regain possession of the property. The order is valid for a six month period
Rent Arrears	Part of rent which remains unpaid and is lawfully due
Rent Due Date	This is the date on which rent is to be paid in full and in advance according to the tenancy agreement
Renter (Tenant)	The Residential Tenancies Act (RTA) refers to the individual/s as 'tenant', 'resident', 'occupant' or 'renter' that is dependent on the type of legal agreement in place between the individual, SAHV and the type of premises For the purpose of this policy all individuals are referred to as a tenant
Residential Tenancies Act	Legislation that set the rights and responsibilities of tenants and property owners/agents in each state of Australia
Succession	Succession of tenancy occurs when the rights and responsibilities under a rental agreement are transferred from the existing renter/s to another household member or other household members.
Tenancy	The agreement signed by the Tenant and Agency, outlining the rent periods (usually fortnights), rent amount due per rent period, and other conditions of

	tenancy
Tenant	The Residential Tenancies Act (RTA) refers to the individual/s as 'tenant', 'resident', 'occupant' or 'renter' that is dependent on the type of legal agreement in place between the individual, SAHV and the type of premises. For the purpose of this policy all individuals are referred to as a tenant.
Tenant Rent Record	Rent statements used to record rent on an ongoing basis
The Agreement	The Residential Tenancies Act (RTA) defines different types of agreements that is dependent on the type of premises and legal arrangement, such as residential agreement, rooming house agreement, lease agreement, or rental agreement. For the purpose of this policy, all agreements will be referred to as 'the Agreement'.
Vacant possession	Where the landlord requires possession of the property, so the tenant must vacate
Victorian Civil and Administrative Tribunal (VCAT)	Victorian Residential Tenancies Tribunal. A legal institution set up to administer a number of Acts. For residential tenancies, the Tribunal administers the Residential Tenancies Act 1997. The Residential Tenancies List of VCAT hears and determines residential tenancy matters.

Related Documents

Procedure:	<p>Alleged Tenancy Breach Procedure</p> <p>Abandonment Procedure</p> <p>Client Intended Exit Procedure</p> <p>Deceased Client Procedure</p> <p>Eviction Procedure</p> <p>Exit Procedure</p> <p>Good left behind Procedure</p> <p>Illegal occupants or Squatters Procedure</p> <p>Rent Ledgers Procedure</p>
Policy:	<p>Appeals Management Procedure</p> <p>Complaints and Appeals Policy</p> <p>Succession Policy</p>
Legislation:	<p>Housing Act 1983 (Vic)</p> <p>Residential Tenancies Act 1997</p> <p>Residential Tenancies Regulations 2020</p> <p>Victorian Charter of Human Rights and Responsibilities Act 2006</p>

Document Control

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