

# Ending a Tenancy Policy

## 1. Policy

Uniting VicTas (Uniting) is committed to:

- the rights of renters
- providing safe, secure, and affordable housing
- sustaining tenancies through positive renter engagement and early intervention and response to tenancy issues.
- complying with the [Residential Tenancies Act](#) (Vic) or [Residential Tenancy Act](#) (Tas), and other other legislative, regulatory and contractual obligations.

Depending on the jurisdiction, in this policy:

In this document		Victoria	Tasmania
Renter	shall mean	Renter	Tenant
Rental agreement	Shall mean	Rental agreement	Tenancy agreement
Housing Register	shall mean	Victorian Housing Register	Tasmanian Housing Register through Homes Tasmania/Housing Connect
Relevant tribunal	shall mean	Victorian Civil Administration Tribunal (VCAT)	Residential Tenancy Commission (RTC)
State trustee	shall mean	State Trustees	Public Trustee
Bond authority	shall mean	(Residential Tenancies Bond Authority) RTBA	Rental Deposit Authority (RBA)

## 2. Scope

The document applies to Uniting community housing tenancies.

## 3. Procedure

A tenancy may end because:

- The renter leaves of their own accord
- The renter is evicted from the property
- The renter abandons the property
- The renter is deceased

At all stages of ending a tenancy, Uniting representatives in Victoria will consider the Charter of Human Rights, in addition to other state or commonwealth legislation.

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### 3.1. Provide information

#### Uniting representatives will:

- inform renters verbally, and in writing at sign-up, of their rights and obligations in relation to ending a tenancy, and the possible outcomes of not complying with the rental agreement
- inform the renter of the complaints and feedback management process

### 3.2. The renter leaves of their own accord

Renters who want to move out can either talk to the Uniting representative to reach an agreement, or give formal notice that they want to leave.

#### Uniting representatives will:

- require Renters to:
  - give notice in accordance with the rental agreement
  - pay money owed and address matters of repairs and maintenance according to the rental agreement
- consider a renter’s requests to vacate a fixed term tenancy early on a case by case basis and by negotiation with the renter and Team Leader, Housing Services
- waive the notice period at the discretion of the Housing Team Leader if there are extenuating circumstances
- give the renter reasonable notice of a property inspection, and encourage renters to attend a joint property inspection at the end of a tenancy
- apply to the bond authority for return of bond to the renter or to recover monies owed
- refer breaches of the rental agreement, for example non-payment of owed rent, to the relevant authority in the jurisdiction.

### 3.3. The renter is asked to leave or evicted from the property

#### Uniting representatives will:

- refer to the **Breach of Tenancy Policy**
- identify at an early stage matters that may lead to involuntarily ending a lease, like rent arrears and seek to correct those matters so that the lease may continue
- manage voluntary or forced termination of a tenancy in a manner that is fair, transparent and complies with relevant legislation, and treat the renter involved in this process without prejudice
- attempt to maintain a tenancy by resolving the issues that led to a breach of the rental agreement, if possible
- inform renters of their rights and responsibilities and of their right to seek independent advice and the assistance of an advocate or support agency
- encourage renters to attend any relevant tribunal or legal hearings that relate to their tenancy, and to access appropriate support agencies or advocates
- provide information to the renter about alternative housing options and support services if the renter is required to leave the property

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- complete the **Uniting Housing Human Rights Charter Assessment form** and seek appropriate approval before the purchase of a warrant for eviction.
- apply for an Order at the relevant tribunal for any outstanding rent arrears, or compensation for outstanding maintenance, damage to the property or cleaning costs
- make arrangements to prepare the vacant property for rent
- maintain complete and accurate records

### 3.4. The renter abandons the property

Residential premises are abandoned if the renter is no longer at the premises and has not been told to leave, or has not told Uniting they are going to leave.

#### Uniting representatives will:

- NOT enter a property until it is confirmed the property is abandoned, and follow the requirements for entering a premises (Refer to RTA Division 8—Rights of entry Vic, or RTA S56 Tas)
- collect evidence to provide to the relevant tribunal that supports the case to confirm abandonment eg photos of the abandoned property or evidence that the renter has stopped paying rent.
- apply to the relevant tribunal to declare the property abandoned, which ends the rental agreement
- make arrangements to prepare the vacant property for rent
- maintain complete and accurate records

### 3.5. The renter is deceased

#### Uniting representatives will:

- Refer to the **Death of a Renter Policy**

### 3.6. Goods left behind or abandoned

#### Uniting representatives will:

- Refer to the **Goods Left Behind Policy**

## 4. Legislation/Regulations

### National

*Age Discrimination Act 2004 (Cth)*

*Disability Discrimination Act 1992 (Cth)*

*Sex Discrimination Act 1984 (Cth)*

*National Rental Affordability Scheme Act 2008 (Cth)*

*National Rental Affordability Scheme Regulations 2020 (Cth)*

### Tasmania

*Community Housing Providers National Law (Tasmania) Act 2013 (Tas)*

*Family Violence Act 2004 (Tas)*

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## Victoria

*Housing Act 1983 (Vic)*

*Residential Tenancies Act 1997 (Vic)*

*Residential Tenancies Regulations 2021 (Vic)*

*Equal Opportunity Act 2010 (Vic)*

*Public Health and Wellbeing Act 2008 (Vic)*

*Public Health and Wellbeing (Prescribed Accommodation) Regulations 2020 (Vic)*

*Noise (Residential) Accommodation Services*

*Environment Protection (Residential Noise) Regulations 2018 (Vic)*

*Environment Protection Act 2017 (Vic)*

*Environment Protection Regulations 2021 (Vic)*

*Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM)*

*Charter of Human rights*

## 5. Related documents

Relief Due to Hardship Policy

Eligibility and Allocations Policy

Rent Policy

Rent Arrears Policy

Changing Needs Policy

Uniting Asset Management Policy

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