

# EVICCTIONS POLICY

*The co-operative's policies relating to tenant eviction are detailed below in extracts from the current version of the Member Manual:*

## 3.9 Rent Arrears

Renters must not have rent arrears at any stage of their tenancy.

## 3.10 Rent Arrears Procedure

Refer also to the SouthEast, Eviction Policy (2019), available on the SouthEast website [www.sehc.org.au](http://www.sehc.org.au)

- SouthEast considers eviction a failure and will do all it reasonably can to avoid evictions.
- SouthEast will endeavour to resolve rent arrears with individual renters to avoid action through the Victorian Civil and Administration Tribunal (VCAT)
- SouthEast will seek to identify at risk renters early. At risk renters will be offered support to assist them meeting their rental responsibilities and avoid legal proceedings, which could lead to their eviction.
- Renters with a poor payment history are encouraged to use the Centrelink Rent Deduction Scheme (RDS) and/or automated electronic payment.
- The rights and responsibilities of renters and residential agreement providers are set out in the Residential Tenancy Act (1997).
- Legal action as prescribed by the RTA is initiated in circumstances where renters with rental arrears fail to contact the SouthEast Office or fail to meet their agreement to repay the debt.
- SouthEast's rental arrears policy provides renters with an opportunity to repay rental arrears through negotiation with the SouthEast Office. SouthEast will regularly inform renters that they have advocacy assistance through a Tenancy Plus program (formerly the SHASP program).
- If there is a possession order for rent arrears, VCAT may adjourn it and order the renter to get financial counselling or another form of support.
- 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.
- Further, VCAT cannot dismiss the application solely on the grounds that the renter could pay off the unpaid rent under a payment plan

<b>OCCURRENCE</b>	<b>ACTION</b>
Renter has less than two weeks in arrears	The renter will be contacted to discuss catching their arrears up.
Renter is greater than two weeks in arrears.	<p>The renter will immediately be sent a Rent Arrears Letter with the contact details of a Tenancy Plus agency.</p> <p>If there is no response by the renter after 4 days, of posting the Rent Arrears Letter, the renter will be phoned by SouthEast staff. If there is no response by the renter within two days of phoning or the renter does not meet any agreement, they have made to make arrears repayment, a Notice To Vacate is sent to the renter by Registered mail, holding onto the receipt as proof of service.</p>
Renter does not pay rent arrears after the 14 day Notice to Vacate is issued.	If there is no response by the renter to the 14 day notice to Vacate after seven working

	<p>days (the renter is now at least 25 days in arrears), commence VCAT proceedings for a consent order instructing the renter to pay rent plus arrears.</p>
<p>Renter pays rent and arrears after receiving VCAT notice of hearing.</p>	<p>If rent arrears are paid in full, a VCAT hearing will still proceed. This will demonstrate to all renters the seriousness of the situation. At the hearing, a consent order is requested.</p>
<p>Renter does not pay rent and arrears after receiving VCAT notice of hearing and attends hearing.</p>	<p>SouthEast will agree to a consent order if the renter attends the hearing. If VCAT issues a consent order, SouthEast will write to the renter to remind them that their tenancy will be at risk if they do not meet VCAT's requirements.</p>
<p>Renter on a consent order makes inconsistent payments.</p>	<p>SouthEast applies to reactivate VCAT Hearing, and a Vacant Possession is requested.</p>
<p>Renter does not pay rent and arrears after receiving VCAT notice of hearing and does not attend hearing.</p>	<p>SouthEast will ask for an Order of Possession. If VCAT issues an Order of Possession, the renter is contacted promptly in writing to arrange an interview to discuss their potential eviction. At the interview, renters are asked to consider:</p> <ul style="list-style-type: none"> <li>• Signing an agreement to repay the outstanding rental arrears amount in affordable instalments</li> <li>• Payment to be made in full, or</li> <li>• Eviction via Warrant of Possession.</li> </ul>
<p>Renter makes insufficient progress in paying rent and arrears</p>	<p>The renter will be contacted and reminded of the seriousness of their arrears, the importance of making payment and the potential for eviction.</p>

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Renter continues makes insufficient progress in paying rent and arrears

The Vacant Possession Order is converted to a Warrant of Possession which the police are requested to execute upon renters.

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All associated VCAT costs incurred by SouthEast are to be passed to the Renter.