

Evictions Policy

Policy Description

The Residential Tenancies Act has specific provisions in relation to ending a tenancy, including in instances of eviction. This policy relates to all relevant provisions. The RTA provisions that apply must be considered in the context of the Performance Standards for Registered Housing Agencies, which require registered agencies to treat eviction as a mechanism of last resort.

The purpose of this policy is to:

- ensure that SouthEast Housing Co-operative deals with conduct that may result in the eviction of a renter in a prompt and fair manner
- minimise instances of eviction
- where an eviction is necessary, ensure the renter is fully informed of their rights and obligations and offered access to support agencies.

Scope

All residential tenancies managed by SouthEast Housing Co-operative.

Definitions

RTA	Residential Tenancies Act 1997
VCAT	Victorian Civil and Administrative Tribunal

Relevant policy statements and/or principles

Statements

SouthEast Housing Co-operative will respond to conduct that may result in eviction promptly and fairly.

SouthEast Housing Co-operative will strive to minimise evictions.

Principles

When a Notice to Vacate is issued, the renter will be offered information on how to contact a support agency

In the interest of minimising evictions, SouthEast Housing Co-operative will not seek a possession order on a first attendance at VCAT, except where:

- the renter has not or will not communicate with SouthEast Housing Co-operative to discuss the matter impacting on their tenancy
- the renter has made no agreement with SouthEast Housing Co-operative
- the matter relates to danger or violence
- the matter relates to malicious property damage

- there has been illegal use of the premises
- the renter fails to attend the VCAT hearing
- the matter relates to property habitability, where the renter has been offered appropriate alternative accommodation.

SouthEast Housing Co-operative will seek possession on any second VCAT attendance relating to non-compliance on a previous order or where there has been a sustained history of VCAT orders.

Where a possession order has been obtained, SouthEast Housing Co-operative may enter into a discussion about a final attempt to sustain the tenancy. Each matter will be reviewed based on the circumstances including the reason for the order being granted, and the history of the renter with SouthEast Housing Co-operative.

If negotiations with the renter fail or the renter breaches the agreement reached in those negotiations, a warrant of possession will be purchased.

Upon purchase of the warrant, SouthEast Housing Co-operative will refer the renter to a support agency.

The renter will be advised of the process for the execution of the warrant.

Consideration will be given to negotiation regarding the timing of the eviction, where possible, prior to the warrant being purchased, as well as an opportunity for the renter to collect their belongings if unable to remove their belongings prior to an eviction.

Procedures

Referral to support agencies

The Performance Standards for Registered Housing Agencies require registered agencies to have in place adequate arrangements to ensure renters with support needs receive appropriate support, if relevant and where available, to sustain their tenancies. The standards also require registered agencies to deal appropriately with client advocates.

Accordingly, SouthEast Housing Co-operative will:

- Ensure that the support agency referral process strives to sustain tenancies and minimise evictions.
- Advise renters of services and support that may assist them in sustaining their tenancies.
- Ensure that renters with identified support needs have access to appropriate support agencies, as and when required.
- Undertake renter referrals without the renter's consent when SouthEast Housing Co-operative reasonably believes there is a serious and imminent threat to the renter's health, safety or welfare.
- SouthEast Housing Co-operative will collaborate with support agencies that are supporting a renter to sustain a tenancy.

Acknowledgement

SouthEast Housing Co-operative acknowledges the work of Common Equity Housing Limited in the development of this policy template.

Related Legislation, SEHC Documents and Other Documents

Legislation / Standards:	<ul style="list-style-type: none"> Residential Tenancies Act 1997. Performance Standards for Registered Housing Agencies Victorian Charter of Human Rights and Responsibilities 2006.
Organisational Documents:	<ul style="list-style-type: none"> Residential Rental Agreement Arrears Management and Hardship Policy Member Manual

Policy Management

Policy owner (role title):	Board
Role responsible for implementing:	Board and CEO
Review arrangements:	Every 3 years via internal review
Next Review Date:	June 2027

Document History

Date	Controlled Version Number	Author	Approved by	Comment
24 June 2022	1.	S. Morrissey (CEO)	Board	Board approved version migrated for display on SEHC website
25 June 2024	2.	S. Morrissey (CEO)	Board	