

VCCH TENANCY & PROPERTY MANAGEMENT

Name:	Evictions
Approved by:	Policy Authorisation Committee
Date effective:	July 2022
Due to be reviewed:	July 2025

Section 1 – Introduction

PURPOSE

VincentCare Community Housing (VCCH) is committed to ensuring that it fulfils its duties as a residential renter provider and upholds the rights of its renters under the Residential Tenancies Act 1997 and the Victorian Charter of Human Rights and Responsibilities 2006 (The Charter). This Policy promotes a lawful, equitable, fair and transparent approach to ending tenancies.

VincentCare operates a diverse range of accommodation and support services for people experiencing disadvantage, and is committed to applying an appropriate duty of care to all people in contact with VincentCare services. This includes protecting people's personal and cultural safety regardless of ability, cultural background, ethnicity, gender identity, sexual orientation or religion.

SCOPE

This Policy applies to all housing managed by VCCH.

For the purpose of this policy, the term 'renter' is inclusive of the term 'resident'.

REVIEW CYCLE

This policy will be reviewed every three years. It will be modified or replaced whenever VCCH becomes aware that the policy no longer complies with the requirements of the organisation or may be subject to legislative and regulatory changes.

Section 2 – Policy Statement

VCCH will comply with the relevant provisions of the Residential Tenancies Act regarding ending tenancies, including evictions. VCCH will end tenancies and undertake evictions in a manner that is lawful, equitable, fair and transparent.

VCCH is committed to ensuring evictions are a last resort and will only be explored after every other possible option has been exhausted.

GUIDING PRINCIPLES AND APPROACH

VCCH applies the following principles in relation to evictions:

- VCCH shall end tenancies in a way that is lawful.
- VCCH shall act as a residential renter provider in accordance with the Residential Tenancies Act (1997).
- VCCH shall uphold the rights of renters when ending tenancies.
- VCCH shall end tenancies in a way that is equitable, fair and transparent.
- VCCH seeks to reduce the frequency of legal proceedings and minimise the likelihood of a return to homelessness for renters as a result of evictions.
- Rent will remain payable until the day the property keys are returned to VCCH.
- Any amount of rent in credit shall be repaid to the renter.

2.1 Immediate Notice to Vacate

VCCH shall only pursue an Immediate Notice to Vacate under extreme and select circumstances, including:

- Significant incidents of deliberate and intentional damage by the renter or the renter's visitor;
- The premises are totally or partially destroyed and unsafe, or unfit for living; or,
- The renter's or their visitor's behaviour is putting others safety in danger.

2.2 Notice to Leave

- VCCH shall only issue a Notice to Leave to a rooming house resident under extreme and select circumstances, limited to when the resident or their visitor:
 - Has committed a serious act of violence; or,
 - Are putting others' safety in danger.
- Staff may issue a Notice to Leave to ban a resident from a rooming house property for two business days.
- The resident may return to the rooming house after two business days if VCCH does not apply to VCAT for a hearing

2.3 Eviction

- Eviction will only be used as a last resort when every other possible option has been exhausted.
- Staff shall maintain communication with the renter and their support worker at each stage of the eviction process to inform them of progress and alternate options.
- VCCH shall consider ceasing eviction proceedings if at any stage the renter demonstrates they are upholding their obligations under the Residential Tenancies Act as well as their commitment to sustaining a successful tenancy.

COMMUNICATION

VCCH will provide clear information to renters on the contents of this policy. VCCH will also inform renters when their tenancy is at risk and if eviction is a likely outcome.

Section 3 – Procedures

Any procedures established by VCCH in relation to Evictions will ensure compliance with this policy.

Section 4 – References

DEFINITIONS

Word/Term	Definition
RTA	Residential Tenancies Act
Tenancy	In this document the term 'tenancy' is inclusive of tenancies and residencies
Renter	In this document the term 'renter' is inclusive of renters and residents
VCAT	Victorian Civil and Administrative Tribunal

Related External References

Name	Link
Housing and Support Partnership Agreement	http://www.nwhn.net.au/admin/file/content2/c7/Housing%20and%20Support%20Partnership%20Agreement%20Nov%2011.pdf
Housing Registrar Performance Standards	http://www.housingregistrar.vic.gov.au/files/assets/public/publications/performance-standards-and-evidence-guidelines/current-performance-standards.pdf
Homelessness Assistance Program Guidelines	https://dhhs.vic.gov.au/sites/default/files/documents/201705/Homelessness-Services-Guidelines-and-Conditions-of-Funding-May-2014.pdf
Residential Tenancies Act 1997	http://www.austlii.edu.au/au/legis/vic/consol_act/rtal1997207/

Legislation and standards

THIS POLICY IMPLEMENTS THE OBLIGATIONS OF VINCENTCARE COMMUNITY HOUSING UNDER:

- Residential Tenancies Act 1997
- Housing Act 1983 (Vic)
- Performance Standards for Registered Housing Agencies
- Victorian Charter of Human Rights and Responsibilities 2006 (The Charter)

Section 5 – Governance

Responsibility

Process Owner	State Manager Housing
Content Holder/s	Housing Program Managers
Recommending body	Quality Committee
Endorsed by	Policy Authorisation Committee

Change history

Version	Effective Date	Author	Change
1	May 2019	General Manager Housing	<ul style="list-style-type: none">• This is a new policy for publication on VincentCare's website• This policy is a compliance requirement for registered agency participation in the Victorian Housing Register (VHR)
2	June 2022	Manager Tenancy and Property	<ul style="list-style-type: none">• Revised and updated to reflect RTA changes made effective March 2021.• Removal of detailed Procedures.• Update of external references.