

THE HAVEN FOUNDATION

EVICCTIONS POLICY

Purpose

The purpose of this policy is to explain how THF will end tenancies in accordance with the *Residential Tenancies Act 1997*.

Scope

This policy applies to all residents who live in HF properties.

Policy Overview

This policy deals with ending a tenancy within the legal requirements of the *Residential Tenancies Act 1997* and the Residential Tenancy Agreement.

The policy operates from a service delivery perspective of supporting vulnerable residents to sustain their tenancies. Whilst VCAT action may be necessary in some circumstances, in the majority of cases all steps will be taken to assist a resident to keep their tenancy.

THF may find it necessary to end a tenancy for the following reasons:

- A resident voluntarily leaves their tenancy
- Sale or termination of a lease on a property
- Renovations
- Breach of the Residential Tenancy Agreement by a resident

Where a resident has breached their Residential Tenancy Agreement, they will be advised in writing and given every opportunity, support and assistance to rectify the problem and to sustain their tenancy.

When THF issues a notice of termination, it will do so in accordance with the *Residential Tenancies Act 1997*, explaining the reason for the termination and a reasonable timeframe for the resident to vacate the premises.

Policy

A tenancy is ended voluntarily through notice or terminated through the VCAT.

There are several reasons why tenancies may end. They include the following:

- When a resident wants to leave on a voluntary basis
- When THF terminates a leasehold tenancy
- Relinquishing a tenancy when a resident is unable to continue living in their property
- Transfer or relocation
- Eviction proceedings for a breach of the Residential Tenancy Agreement

- The resident causes malicious damage to the premises or common areas
- The resident or their visitor puts neighbours in danger
- The resident owes at least 14 days rent
- The resident has breached a VCAT compliance order or compensation order
- The premises have been used for illegal purposes
- Other tenants have been brought in without consent
- The resident has engaged in a drug-related activity on the premises
- Where a resident has abandoned the property
- Where the resident has died
- When the property becomes uninhabitable due to flood, fire or other causes

If a resident is not satisfied with a service provided by THF or does not agree with a decision it has made, they can ask for a formal review. To do this, the resident must write to THF.

If a resident is unhappy with the outcome of an appeal to THF, they can lodge an appeal with VCAT.

THF acknowledges the policy work undertaken by Bridge Housing in developing this policy.