**Ending Tenancies** Policy SDA

**Specialist Housing Group**

Document Owner

**1**

Version number

**23/01/2021**

Next Review Date

**23/01/2019**

Date Published

3 Years

Review Period

Current as at: 27/07/2022

# Purpose

The purpose of this policy is to ensure Housing Choices tenancies are ended in accordance with the relevant Residential Tenancies Act in each operating jurisdiction in a manner which minimises any adverse impact on our residents.

# Scope

This policy applies to all HCA residents within Supported Disability Accommodation (SDA) including:

* Independent Living and group home settings
* Residents under:
	+ Residential Tenancy Agreement
	+ SDA Residency Agreement
	+ Accommodation Agreement

# Scheduled Review

This policy is maintained by the General Manager Housing.

Non-compliance events are to be managed by the National Manager Specialist Housing Group. the Quality Assurance and Compliance Manager and the General Manager Housing.

This policy will be reviewed every two years and when triggered by changing legislation and industry standards.

# Policy Statement

Housing Choices strives to help our residents sustain their tenancy in accordance with the following objectives:

* Provide rent structures which are affordable for residents;
* Facilitate the engagement of relevant support providers i.e. financial counselling and other advocacy services
* Provide information regarding resident rights and responsibilities, Housing Choices policies and procedures
* Housing Choices staff will work with residents and provide opportunities for engagement and assist residents to seek help with sustaining their tenancy.

Notwithstanding, the following circumstances may be a cause for terminating a tenancy:

* Non-payment of a reasonable rental contribution
* Anti-social behaviour and/or interference of the right to peaceful enjoyment of neighbouring residents and/or the community
* Deliberate property damage by the resident and/or their visitors
* Failure to maintain the premises in a fair and reasonable condition
* The resident chooses to end their tenancy
* Housing Choices have identified that a property is to be sold and the resident will need to seek alternative housing options/
* The resident dies.

A resident may choose to dispute the ending of their tenancy and can make an application to the Civil and Administrative Tribunal within their state of residency.

Housing Choices staff are to be familiar with the following references which further explain the process for ending tenancies. Further information is available in the linked publications:

* "Renting a home - a guide for residents and landlords"
* "Rooming houses - A guide for residents, owners and managers"
* SDA Service Agreement - Housing Choices and Resident

Residents covered by SDA Residency Agreements will have the terms for ending their tenancy included within the Terms and Conditions of their Agreement.

Housing Choices must not without the approval of the General Manager Housing, serve:

* A 120 day Notice to Vacate unders263 of the RTA (being a notice given by the landlord without stating a reason); or
* A 60/90 day Notice to end a fixed term tenancy agreement under s261 of the RTA.

# References:

|  |  |
| --- | --- |
| legislation & Standards | Related INternal documents |
| * National Disability Insurance Scheme Act 2013
* NDIS Quality and Safeguarding Framework
* National Disability Insurance Scheme (Code of Conduct) Rules 2018
* National Disability Insurance Scheme (Specialist Disability Accommodation) Rules 2018
* National Disability Insurance Scheme (Quality and Safeguards Commission) Rules 2018
* National Disability Insurance Scheme Practice Standards and Quality Indicators 2018
* Residential Tenancies Act VIC 1997
* Residential Tenancies Act TAS 1997
* Residential Tenancies Act SA 1995
* Residential Tenancies Act NSW 2010
* Residential Tenancies Act WA 1987
 | * [Vacancy Management Procedure SDA](https://housingchoicesaustralia.sharepoint.com/%3Aw%3A/s/knowledge/EdbkmDW9pf9Rpae9zl_wvYsBB21ifsAsmpF0d3B09R8k1w?e=0hQBSl)
* [Vacated Tenancies Procedure](https://housingchoicesaustralia.sharepoint.com/%3Aw%3A/s/knowledge/Ea_YPA6WARdWsIqkBs_MJnUB59c7fnFOLuCkASXCGWGRxA?e=De87ls)
 |

## Glossary

[add terms specific to this policy/delete section if not appropriate].



**English:**

If you need an interpreter, please call TIS National on 131 450 and ask them to call **Housing Choices Australia** on **1300 312 447**. Our business hours are **9am to 5pm, Monday to Friday**.

You can also visit the TIS National website for translated information about the service TIS National provides. Visit: www.tisnational.gov.au

**Arabic:**

إذا كنت بحاجة إلى مترجم، يرجى الاتصال ﺒ TIS الوطنية على الرقم 131 450 وأطلب منهم الاتصال ﺒ
**Housing Choices Australia** على هاتف رقم **1300 312 447**. ساعات العمل الخاصة بنا
**9am to 5pm, Monday to Friday**.

يمكنك أيضا زيارة موقع TIS الوطنية للحصول على معلومات حول الخدمات التي تقدمها TIS الوطنية. قم بزيارة: www.tisnational.gov.au

**Farsi (alt Persian):**

اگر به مترجم نیاز دارید، لطفا با شماره تلفن تیس نشنال131 450 تماس بگیرید و از آنها بخواهید با
**Housing Choices Australia** به شماره **1300 312 447** تماس بگیرند. ساعت کاری ما **9am to 5pm, Monday to Friday** است.

شما همچنین می توانید به وب سایت تیس نشنال برای اطلاعات در مورد خدماتی که تیس نشنال فراهم می کند مراجعه کنید. به www.tisnational.gov.au

**Vietnamese:**

Nếu quý vị cần thông dịch viên, xin hãy gọi cho Dịch vụ Thông Phiên dịch Quốc gia (TIS Quốc gia) theo số 131 450và yêu cầu họ gọi cho **Housing Choices Australia** theo số **1300 312 447**. Giờ làm việc của chúng tôi là **9am to 5pm, Monday to Friday**.

Quý vị cũng có thể vào thăm trang mạng của TIS Quốc gia để có thông tin về các dịch vụ mà TIS Quốc gia cung cấp. Hãy vào thăm www.tisnational.gov.au

**Somali:**

Haddii aad u baahan tahay turjumaan, fadlan ka wac TIS National taleefanka 131 450 waxaad ka codsataa inay kuu wacaan **Housing Choices Australia** iyo **1300 312 447**. Saacadaha Shaqadu waa **9am to 5pm, Monday to Friday**.

Waxaad kaloo booqan kartaa website-ka TIS National ee macluumaadka turjuman oo ku saabsan adeegga TIS National ay bixiso. Ka eeg: www.tisnational.gov.au

**Simplified Chinese:**

如果您需要口译员，请拨打TIS National 的电话131 450，请他们打电话给**Housing Choices Australia**，电话号码： **1300 312 447**。我们的营业 时间是 **9am to 5pm, Monday to Friday**。

你也可以访问TIS National 的网站，了解TIS National提供的服务。网址： www.tisnational.gov.au

**Traditional Chinese:**

若你需要口譯員，請撥打TIS National電話131 450並請他們轉接 **Housing Choices Australia** 的電話 **1300 312 447**。我們的工作時間是 **9am to 5pm, Monday to Friday**。

你也可以瀏覽TIS National 網站瞭解TIS National 的服務資訊，網址：www.tisnational.gov.au

**Spanish:**

Si necesita un intérprete, por favor llame a TIS National en el 131 450ypida que lo comuniquen con **Housing Choices Australia** en el **1300 312 447**. Nuestro horario de oficina es **9am to 5pm, Monday to Friday**.

También puede visitar el sitio web de TIS National para obtener información acerca de los servicios que provee TIS National. Visite www.tisnational.gov.au

**Italian:**

Se hai bisogno di un interprete, telefona a TIS National al numero 131 450 e chiedi di chiamare **Housing Choices Australia** al **1300 312 447**. I nostri orari d’ufficio sono **9am to 5pm, Monday to Friday**.

Puoi visitare anche il sito web TIS National per informazioni tradotte sul servizio che TIS National fornisce. Visita il sito: www.tisnational.gov.au

**For other languages, access to an interpreter is available by contacting Housing Choices Australia on 1300 312 447.**