

Tenancy Management: Termination of Tenancy

Policy No.	T-9		
Version No.	4	Date:	July 2017
Board meeting date of acceptance	July 2018		
Effective date	August 2018		
Review date	July 2020		
Related policies and documents	Establishing and Maintaining Tenancies		

Scope

This policy applies to all tenants, applicants, contractors and staff of Amélie Housing.

Policy Statement

It is the policy of Amélie Housing to:

- Assist tenants to comply with the terms of their Residential Tenancy Agreement
- Prevent and minimise the occurrence of tenant breaches
- Identify breaches of tenancy at the earliest possible time
- Investigate all alleged breaches of tenancy
- Deal promptly with all breaches of tenancy
- Take into account the impact on the organisation as the landlord, neighbours and the tenant's own well-being
- Resolve breaches of tenancy without ending the tenancy wherever possible
- Offer security of tenure and the maintenance of tenancies whenever possible
- Adhere to Amélie Housing's legal obligations as landlord
- Ensure efficient administration and record keeping at the end of tenancy
- Ensure appropriate written notice is given when action is being taken to terminate a tenancy
- Act with sensitivity to individual circumstances in deciding to end and in ending a tenancy

- Ensure natural justice for tenants by making available information, access to reasons for decisions, access to internal and external review of decisions, and privacy
- Comply with legislative requirements regarding abandoned premises and property
- Ensure tenants have access to tenancy advice, interpreters and support, when required.

Compliance

This policy assists Amélie Housing to comply with:

Compliance Document	Section/Number	Area
National Community Housing Standards	1.2	Establish and maintaining tenancies
	1.3	Changing Needs of Tenants
	1.4	Ending Tenancies
	4.1	Tenants' Access to Support
National Regulatory Code Evidence Guidelines	1a	Tenant and Housing Services – Eligibility, access and engagement
	1c	Tenant and Housing Services – setting and meeting housing standards

Managing Terminating of Tenancies

Termination of a tenancy by a tenant

A tenant is required to give 21 days' notice during a fixed-term or continuing agreement. Amélie Housing will accept a shorter notice period if the tenant has good reason for being unable to give more notice.

Tenant breaches resulting in termination

Amélie Housing will enforce the terms of the Residential Tenancy Agreement comprehensively, consistently and fairly and will take all breaches seriously.

Amélie Housing will provide tenants with easy to understand information about their rights and responsibilities at the start and throughout their tenancy to prevent breaches wherever possible. This will include clear, written procedures that includes definitions of minor, actionable and serious breaches and appropriate responses for different categories of breach.

As soon as a breach is identified, the tenant who is in breach of his/her Agreement will be advised both what is expected of them and what they can expect from Amélie Housing.

Amélie Housing will facilitate the involvement of an advocate, interpreter or support staff if appropriate, and will inform the tenant where they can get independent tenancy advice.

Amélie Housing will only take action to end a tenancy by issuing a Notice to Terminate and making an application to the Tribunal after all other reasonable steps have been taken to prevent the tenant breaching his/her Agreement.

Amélie Housing may withdraw a Possession Order or amend it to a Performance Order if it is satisfied that all aspects of the breach have been or will be resolved, and that the organisation as landlord and any other tenants, residents or neighbours will not be disadvantaged or endangered in any way by the tenancy continuing.

Amélie Housing will not issue a 'no cause' Notice to Terminate as a method of dealing with a tenant breach. The reason for a Notice to Terminate being issued will always to be clearly stated on the notice and notified in writing to the tenant.

Immediate action for Tenancy Breaches involving violence


If an alleged or known breach involves any form of actual violence or reasonable fear of violence, Amélie Housing will take protective action to ensure the safety and well-being of the tenant, other residents, neighbours and staff immediately, prior to any investigation.

Violence may include physical assault, sexual assault, emotional or psychological abuse, intimidation, harassment, sexual harassment, threats and stalking or self-harm, by tenants, members of their household or their visitors.

Protective action may include:

- Assisting a person apply for an Apprehended Violence Order
- Involving a mental health team
- Calling the police
- Immediate rehousing
- Temporary relocation
- An application for an immediate Order of Possession.
- Breach Prevention
- After resolution of a breach, Amélie Housing will provide assistance to ensure the tenant keeps to the terms of the Residential Tenancy Agreement in the future. This may include:
 - Facilitating a formal support arrangement for the tenant
 - More frequent monitoring of the tenancy
 - Seeking the tenant's consent to advise his/her advocate of any concerns about the tenancy
 - Rehousing the tenant if it will reduce the risk of a future recurrence of the breach.

Legal Requirements for Terminating a Tenancy

Each state, territory and jurisdiction requires a specific approach to terminating a tenancy. In South Australia, the government sets out information on [legal requirements for terminating a tenancy](#) 

- Tenants breaching a lease agreement
- Issuing a breach notice
- Working out dates for notices
- Evictions
- Serious release from a lease

In NSW, [the Department of Fair Trading has tenant guides on legal requirements of ending a tenancy](#) 

If you believe Amélie Housing has breached a lease agreement

If there is a problem in your tenancy that you believe the landlord is responsible for, the first step is to contact your housing manager to discuss the issue and try to resolve it. If you do need to take further action or are not happy with the response you receive, you can contact a Tenancy Advocacy Service or take formal action.

When you want to end your tenancy

Ending a tenancy form

Please contact your Tenancy Officer to arrange for a Termination of Tenancy form to be posted out or emailed to you.

Complaints and Appeals

If a tenant is not satisfied with a service provided by Amélie Housing or does not agree with a decision it has made, they can ask for a formal review. To do this, the tenant can complete a **review of decision** form.

Details on how to make a complaint, provide feedback or lodge an appeal are found in Amélie Housing Complaints and Appeals policy.

Additional Information for Tenants in NSW

If a tenant is unhappy with the outcome of an appeal to Amélie Housing, they can lodge an appeal Housing Appeals Committee. The Housing Appeals Committee is an independent agency that reviews certain decisions made by staff of Community Housing organisations and Housing NSW. For information on the Housing Appeals Committee call 1800 629 794 or go to www.hac.nsw.gov.au.