

Tenancy Management: Termination of Tenancy

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| 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 in complying 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
- Consider the impact on the organisation as the landlord, neighbours, and the tenant's 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 an 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 in complying 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 must 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 include definitions of minor, actionable and serious breaches, and appropriate responses for different categories of the breach.

As soon as a breach is identified, the tenant in breach of his/her Agreement will be advised of 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 applying to the Tribunal after all other reasonable steps have been taken to prevent the tenant from breaching their 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 to deal with a tenant breach. The reason for a Notice to Terminate being issued will always be clearly stated on the notice and notified in writing to the tenant.

Immediate action for Tenancy Breaches involving violence

Suppose an alleged or known breach involves any form of actual violence or reasonable fear of violence. In that case, Amélie Housing will take protective action to ensure the safety and well-being of the tenant, other residents, neighbours, and staff immediately before 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 visitors.

Protective action may include:

- Assisting a person in applying 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 resolving a breach, Amélie Housing will 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 their advocate of any concerns about the tenancy
 - Rehousing the tenant will reduce the risk of a future recurrence of the breach.

Legal Requirements for Terminating a Tenancy

Each state, territory and jurisdiction require 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 get in touch with 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 its decision, they can ask for a formal review. To do this, the tenant can complete a **review of the 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 appeal Housing Appeals Committee. The Housing Appeals Committee is an independent agency that reviews certain decisions made by Community Housing organisations and Housing NSW staff. For information on the Housing Appeals Committee, call 1800 629 794 or go to www.hac.nsw.gov.au.