

# ANTI-SOCIAL, DESTRUCTIVE OR DANGEROUS BEHAVIOUR POLICY

## 1. Why we need this policy

- 1.1 Launch Housing is a registered Community Housing Provider, regulated by the Victorian Housing Registrar.
- 1.2 The purpose of this policy is to detail Launch Housing's process for responding to anti-social, destructive or dangerous behaviour. This policy intends to balance the rights of renters with the rights of neighbours to create positive relationships and build strong communities.

## 2. Who this policy applies to

- 2.1 This policy applies to renters in all Transitional Housing (THM), Long-Term, Affordable Housing, and Head Lease properties owned or managed by Launch Housing.
- 2.2 This policy applies to Launch Housing staff managing these properties.

## 3. Who this policy applies to

- 3.1 This policy applies to all Transitional Housing (THM), Long-Term, Affordable Housing, and Head Lease properties owned or managed by Launch Housing.
- 3.2 This policy does not apply to the following housing programs managed by Launch Housing:
  - i. temporary or Crisis Supported Accommodation;
  - ii. Transitional Housing Management (THM) properties;
  - iii. Education First Youth Foyers;
  - iv. properties managed by HomeGround Real Estate.

## 4. What this policy includes

### 4.1 Guiding principle

In applying this policy Launch Housing will ensure:

- i. Eviction is a measure of last resort;
- ii. Decision making is person-centred, and tenancies are sustained where possible;
- iii. Where tenancies are at risk, intervention will occur as early as possible to attempt to rectify any issues;
- iv. Proper consideration is given to the human rights of renters that may be impacted by decisions around evictions, in accordance with the Charter of Human Rights and Responsibilities 2006 (Vic);
- v. Consistent, fair, and accountable processes are followed, and renters are provided with information about processes that impact their tenancy;
- vi. A commitment to respond to matters that may be family violence related, that is trauma informed and promotes the safety and wellbeing of renters and their families;
- vii. All contractual, legal and regulatory duties are met.

### 4.2 What is anti-social, destructive or dangerous behaviour?

#### 4.2.1 Nuisance or interference with the peace

Nuisance is behaviour that substantially and unreasonably impacts the rights of neighbours or the community. Interference with the peace means unreasonably impacting the quiet enjoyment of neighbours. Forms of nuisance can include, but are not limited to:

- i. Excessively loud noise, or loud noise for an extended period or at inappropriate times;
- ii. Bad odours from uncollected rubbish;
- iii. Unhygienic enclosures for animals;
- iv. Excessive noise from animals or visitors to the premises.

Section 60 of the Residential Tenancies Act 1997 (Vic) (RTA) prohibits renters or their visitors from using their rented premises in a manner which causes a nuisance or interferes with the reasonable peace, comfort or privacy of neighbours.

#### 4.2.2 Damage to property

Damage can mean defacing, marking, removing a fixed object or safety feature, or causing it to be broken. Renters have an obligation to notify Launch Housing of any damage to the premises.

Section 61 of the RTA prohibits renters or their visitors from intentionally or negligently damaging rented premises or associated common areas.

Under s91ZI of the RTA, a Notice to Vacate may be served where renters intentionally or recklessly cause serious damage to the premises.

Damage is distinct from 'fair wear and tear', which is deterioration caused by the reasonable use of the property and the impact of natural forces.

Launch Housing will investigate responsibility for damage in accordance with the Renter Related Damage (Recharge) Policy and Family Violence Policy.

#### 4.2.3 Dangerous behaviour and serious acts of violence

Serious acts of violence or behaviour which endangers the safety of neighbours, others on the premises, or the rental provider or rental provider's agent, are in breach of the RTA and are behaviours that warrant an immediate response.

#### 4.2.4 Threats and intimidation

Intimidation refers to any act that creates fear of physical or mental harm and can include physical as well as non-physical acts such as yelling, screaming, ridiculing, insulting and hostile physical posturing. It can also include threats of future harm.

Renters have a duty not to threaten or intimidate Launch Housing or its staff or contractors. Section 91ZK of the RTA permits the rental provider to issue a Notice to Vacate to a renter where this occurs.

#### 4.2.5 Illegal use

Renters must not use the rented premises or permit their use by any other person for any purpose that is illegal at common law or under an Act.

Section 91ZO of the RTA permits rental providers to issue a Notice to Vacate to a renter where the property is used for an illegal purpose. There must be a connection between the illegal activity and the property, for example, if a property is altered to support illegal drug growth or manufacture.

#### 4.2.6 How is anti-social, destructive or dangerous behaviour investigated?

##### Investigation and substantiation

To ensure procedural fairness, Launch Housing staff will:

- i. Notify the renter, either in writing or verbally, of the nature of the alleged breach that may result in a notice or action being taken by Launch Housing.
- ii. Inform the renter of the information and evidence gathered that will be used in the making of the decision in relation to their tenancy.
- iii. Provide the renter with an opportunity to refute the alleged breach or provide a response to the alleged breach, including reasons why a notice should not be issued and allowing the renter to provide supporting evidence, including any evidence related to family violence.
- iv. Fairly consider any material or information provided by the renter when making a decision.

#### 4.2.7 What actions are taken if allegations are substantiated?

Where Launch Housing confirms that a renter has breached their tenancy through behaviour that is anti-social, destructive, or dangerous, all relevant circumstances will be considered to decide the most appropriate response. This includes the safety and quiet enjoyment of neighbours and the community, and the potential impact on any property that may be at risk of damage or being used inappropriately.

Considerations include the impact on the renter and their household and each individual's human rights (see End of Tenancy Policy for discussion of relevant human rights). Competing interests will be carefully considered before action is taken in response to a substantiated breach.

Possible responses include:

- i. Issuing a Breach of Duty notice;
- ii. Applying to the Victorian Civil and Administrative Tribunal (VCAT) for a compliance or compensation order;
- iii. Issuing a Notice to Vacate;
- iv. Issuing an immediate Notice to Vacate;
- v. Applying to VCAT for an Order of Possession; or
- vi. Applying to VCAT for a Warrant of Possession.

#### **4.2.7.1 Breach of Duty notices**

Where a renter has breached a duty provision of the RTA, Launch Housing may decide to issue a breach of duty notice. The notice is a formal written warning to the renter that their obligations under the RTA have not been met. The notice provides a timeframe for the renter to rectify the breach. If the breach is not fixed within the timeframe, Launch Housing can apply to VCAT for a compliance or compensation order.

#### **4.2.7.2 Successive breaches**

Where a renter has breached the same duty provision three times and has been issued with breach of duty notices on the first two occasions, Launch Housing may issue a Notice to Vacate on the third breach of that duty. Please refer to the End of Tenancy Policy for further guidance.

#### **4.2.7.3 Compensation or compliance order**

Where a breach notice has not been complied with, Launch Housing may make an application to VCAT for a compensation or compliance order.

A compensation order will require the renter to pay for any costs associated with remedying the breach. A compliance order requires the renter to comply with their duties under the RTA. If the renter fails to comply with the terms of either order, this may be grounds to issue a Notice to Vacate.

#### **4.2.7.4 Notice to Vacate**

Where there are grounds under the RTA and Launch Housing has considered the relevant human rights impacts, Launch Housing may issue a Notice to Vacate to a renter. Each Notice to Vacate will specify the grounds for termination of the tenancy agreement and provide a notice period for the renter to vacate the property.

Eviction is treated as a measure of last resort and may often be avoided by providing early intervention and referring renters to appropriate support services. Refer to the End of Tenancy Policy for further guidance.

#### **4.2.7.5 Support services**

When responding to anti-social, destructive or dangerous behaviour, Launch Housing will assess appropriate support services may assist renters to prevent tenancy breaches, respond to allegations, and provide support to sustain their tenancy.

## **5. Who is responsible for this policy**

Who is responsible	Key activities
Launch Housing	<ul style="list-style-type: none"> <li>• Respond to anti-social, destructive or dangerous behaviour and balance the rights of renters with the rights of neighbours to create positive relationships and build strong communities.</li> </ul>
Renters	<ul style="list-style-type: none"> <li>• Comply with the Residential Tenancy Agreement;</li> <li>• Respect other's rights and privacy;</li> <li>• Take responsibility for your actions and those of family or friends;</li> <li>• Respect communal areas;</li> <li>• Be considerate and tolerant of others;</li> <li>• Keep noise to a minimum.</li> </ul>

## APPENDIX: ADMINISTRATION

### 6. Definitions

Term	Definition
Breach of duty	Failure to meet a requirement of the RTA that is classed as a duty provision (a provision which has specific legislative requirements and consequences for either the renter or rental provider).
Breach of duty notice	A notice served to a renter or rental provider to inform them that their behaviour has caused them to breach one of more of the duty provisions of the RTA.
Compliance order	A VCAT order directing the renter or rental provider to comply with the specified provision of the RTA or rental agreement within a specified period of time.
Notice to Vacate (NTV)	A legal notice to a renter advising that the rental provider wants them to vacate the property by a certain date.
Order of possession	An order granted by VCAT giving the rental provider the right to obtain a warrant to regain possession of the property.
Rental agreement	A lease agreement under the RTA, which sets out the rights and duties of the renter and the rental provider.
RTA	The Residential Tenancies Act 1997 (Vic). The principal legislation governing rental housing in Victoria.
VCAT	The Victorian Civil & Administrative Tribunal. A legal institution set up to administer several Acts. For residential tenancies, the Tribunal administers the Residential Tenancies Act 1997.
Warrant of possession	A legal document issued by VCAT authorising the police to proceed with the eviction of a renter from a property.

### 7. Related Launch Housing policies

Name	Description
End of Tenancy Policy	Details Launch Housing's arrangements, processes and considerations for ending tenancies.
Family Violence Policy	Details a framework to support Launch Housing to: (a) keep victim survivors, children and young people who have lived experience of family violence safe, and (b) ensure perpetrators of family violence are visible and held accountable for their actions.
Privacy Policy	Details of how Launch Housing complies with privacy laws and shares information.
Maintenance and Repairs Policy	Details how Launch Housing ensures all properties under its ownership and management are maintained to a community standard which is habitable, safe and secure for our renters; and the asset retains its value as best as possible.
Tenancy Transfer Policy	Details how Launch Housing manages requests for transfers including eligibility requirements. It also sets out how Launch Housing initiates management transfers.

### 8. Legislation

This policy meets the following legislative requirements:

Name	Description
Housing Act 1983 (Vic)	Legislation for housing law, which seeks to improve housing administration in Victoria.
Residential Tenancies Act 1997 (Vic)	Legislation that regulates the rights and obligations of landlords and tenants in Victoria.
Residential Tenancies Regulations 2021 (Vic)	Victoria's 2021 rental laws under the Residential Tenancies Act 1997, which expanded the rights and responsibilities of renters and rental providers, making renting in Victoria fairer and safer.

## 9. Regulatory / accreditation standards

This policy meets the following regulatory and/or accreditation requirements:

Standard	Standard reference
Housing Registrar Performance Standards	Standard 1: Tenant and housing services (Determining and managing eligibility, allocation, and termination of housing assistance.)

## 10. Amendments to this Policy

This policy may be amended, terminated or replaced at Launch Housing's discretion. This policy will be reviewed, and updated as required, on a periodic basis.

In the event any related State or Commonwealth legislation changes, the legislation/directions will prevail to the extent of any inconsistency with this policy.

Amendments			
<b>Date last approved:</b>	11/10/2024	<b>Date of effect:</b>	11/10/2024
<b>Date last amended:</b>	02/10/2024	<b>Date of next review:</b>	11/10/2026
<b>Owner:</b>	Group Manager, Housing Services	<b>Approver:</b>	Executive Director, Housing Solutions
<b>Audience:</b>	Renters in all Transitional Housing (THM), Long-Term, Affordable Housing, and Head Lease properties owned or managed by Launch Housing, and staff managing these properties.		

## 11. Version Control

Version	Effective Date	Amended by	Approved By	Amendment
V1.0	11/10/2024	Group Manager Housing Services	Executive Director, Housing Solutions	First Version