

END OF TENANCY 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 arrangements, processes, and considerations for ending tenancies.

2. Who this policy applies to

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

3. Which Launch Housing properties this policy apply to

- 3.1 This policy applies to all Long-Term, Transitional Housing Management (THM), 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. Education First Youth Foyers;
 - ii. temporary or Crisis Supported Accommodation;
 - iii. properties managed by HomeGround Real Estate.

4. What this policy includes

4.1 Guiding principles

- 4.1.1 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. Consistent, fair, and accountable processes are followed, and renters are provided with information about processes that impact their tenancy;
 - v. Proper consideration is given to the human rights of renters under the Charter of Human Rights and Responsibilities Act 2006 (Vic) (Charter) that may be impacted by decisions around evictions;
 - vi. Compliance with the Residential Tenancies Act 1997 (Vic) (RTA) as they relate to ending tenancies;
 - vii. A commitment to respond to matters that may be family violence related that is trauma informed and aligns with the Family Violence Multi-Agency Risk Assessment and Management (MARAM) Framework;
 - viii. All contractual, legal, and regulatory duties are met.

4.2 Renter initiated

- 4.2.1 Renters may initiate termination of their rental agreement when they give written notice of their intention to vacate the rented premises.
- 4.2.2 Renters should use the Notice of Intention to Vacate form available from [the Consumer Affairs Victoria website](#) which outlines the required timeframes for providing the notice. Launch Housing will provide a copy of this form upon request.
- 4.2.3 Launch Housing will ask renters about the reason they are ending their tenancy. This information will be used to inform service improvements and to provide appropriate support referrals where necessary.
- 4.2.4 Launch Housing will inform renters of their responsibilities when ending their tenancy:
 - i. Keys must be returned to Launch Housing on or before the last day of the tenancy;
 - ii. Renters must remove all belongings from the property;
 - iii. The property should be left in a reasonably clean condition;

- iv. Renters must resolve all outstanding rental issues;
- v. Renters will be given a reasonable opportunity to attend the final inspection to complete an exit condition report.

4.3 Abandonment

- 4.3.1 Abandonment occurs where a household leaves a property empty or uninhabited, without intending to return.
- 4.3.2 Where a tenancy is suspected of being abandoned, Launch Housing will investigate, which may include:
 - i. Reasonable attempts to contact the renter;
 - ii. Seeking confirmation from neighbours that the renter is no longer living at the property;
 - iii. Seeking confirmation from support services that they are living elsewhere;
 - iv. Visual external inspection (e.g., unkept gardens, uncollected mail, no electricity use detected at meter);
 - v. Checking if rental payments have stopped;
 - vi. Attempts to contact next of kin and/or support worker;
 - vii. Sending a notice of entry and inspecting the property internally.
- 4.3.3 Where Launch Housing determines the property has been abandoned, an application may be made to the Victorian Civil and Administrative Tribunal (VCAT) seeking an order declaring the property to be abandoned.
- 4.3.4 Where the renter has confirmed that they have abandoned the property or Launch Housing has otherwise confirmed that the renter will not be returning to the property, and there is no one else residing in the property, Launch Housing may take possession without applying to VCAT.
- 4.3.5 Any goods left behind will be stored or disposed of in accordance with Launch Housing's *Goods Left Behind Policy*.

4.4 Death of a sole renter

- 4.4.1 Where there is a death of a renter for a sole tenancy, Launch Housing will make arrangements with the next of kin or legal representative for termination of the rental agreement and collection of goods left at the property.
- 4.4.2 Where other household member/s reside at the property and wish to remain living in the property but are not parties to the rental agreement, their requests will be considered in line with Launch Housing's *Allocations Policy*.
- 4.4.3 If a next of kin or legal personal representative is not listed, or not contactable, Launch Housing will apply to VCAT to end the rental agreement, which requires evidence of the death of the renter.
- 4.4.4 The rental agreement is terminated on the earliest date of the following:
 - i. A date agreed in writing between Launch Housing and the deceased renter's next of kin or legal representative;
 - ii. The date on the "Termination after Death of a Sole Renter Notice" given by Launch Housing to the next of kin or legal personal representative;
 - iii. The date on the Notice of Intention to Vacate form given by the next of kin or legal representative to Launch Housing;
 - iv. A date as determined by VCAT.

4.5 Evictions

- 4.5.1 Where renters fail to uphold their obligations under their rental agreement and the Residential Tenancies Act 1997 (Vic) (RTA), Launch Housing will work with the renter to rectify any issues and assist them to secure access to support services they may need to help them to sustain their tenancy. Further details on how specific issues will be responded to are outlined in Launch Housing's *Anti-Social, Destructive or Dangerous Behaviour Policy* and *Rent Arrears Policy*.
- 4.5.2 Eviction is a measure of last resort and will only occur where:
 - i. All alternative options have been explored with the renter;

- ii. The human rights of the renters under the Charter have been given proper consideration and the decision is compatible with obligations under the Charter;
- iii. A consistent, fair, and accountable process has been followed and the renter has been kept informed of the process; and
- iv. The actions and recommendations have been reviewed and approved by the Executive Director of Housing Solutions.

4.6 Notice to leave

- 4.6.1 Where a serious act of violence occurs at these properties or someone at the property is in danger, a Notice to Leave may be served, immediately suspending the tenancy. It is an offence for the resident to remain on or enter the premises while the suspension is in place.

4.7 Human Rights considerations

- 4.7.1 Launch Housing staff will consider the potential impact of any proposed action on the renter (and their household) rights under the Charter.
- 4.7.2 Launch Housing will ensure that human rights are at the centre of all decisions made with respect to a tenancy. A renter's human rights are subject only to reasonable limitations under the law.
- 4.7.3 Decisions made by Launch Housing that limit a renter's human rights must:
 - i. Be lawful, necessary, reasonable, and proportionate;
 - ii. Consider the nature of the human rights and the importance of limitations upon it;
 - iii. Ensure that any less restrictive actions reasonably available to Launch Housing have been explored.

4.8 Launch Housing staff action:

- 4.8.1 Staff taking action in line with this policy must:
 - i. Understand the objective and rationale of the actions they are taking;
 - ii. Consider the impact of a proposed action on the renter's human rights;
 - iii. Consider whether the proposed impact is balanced, proportionate, and necessary to achieve the objectives of the organisation;
 - iv. Choose the least restrictive measure available.
- 4.8.2 As part of the process for obtaining organisational approval to apply for a Possession Order, an assessment of the recommended action against rights of the renters under the Charter will be completed and documented and the renter and/or their advocate will be informed of the actions being considered.
- 4.8.3 The renter and/or their advocate will be provided an opportunity to respond and any alternative course of action to resolve the issue will be considered. The human rights assessment and any response from the renter and/or their advocate will be reviewed and considered by senior staff and the Executive Director of Housing Solutions prior to a decision being made.
- 4.8.4 If eviction is necessary, information about alternative housing options will be provided to renters prior to and at the time of eviction.

4.9 Procedural fairness

- 4.9.1 Renters will be provided with adequate notice of any proposed actions or proceedings so that they are able to seek assistance where needed and to effectively consider and prepare their response.
- 4.9.2 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 taken by Launch Housing;
 - ii. Inform the renter of information and evidence gathered that will be used to make any 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;
 - iv. Fairly consider any material or information provided by the renter when making a decision;

- v. Where family violence is identified, any assessment will be trauma informed and align with MARAM (Multi-Agency Risk Assessment and Management) Framework and not further disadvantage victim-survivors.

4.10 Property no longer available

- 4.10.1 In circumstances where a property is no longer available to be leased as social housing, Launch Housing will inform the renter as soon as possible and assist the renter to obtain and transfer to a suitable alternative property.
- 4.10.2 Such circumstances may include:
 - i. Properties becoming uninhabitable due to natural forcers (e.g., decay, fires, or floods);
 - ii. Redevelopment of the property to upgrade or build additional social housing;
 - iii. Sale of the property; or
 - iv. Return of the property to the owner (where Launch Housing leases the property from another party).
- 4.10.3 Where this occurs, Launch Housing will meet with the impacted renters as early as possible to understand their relocation needs and support them, where possible, to transfer to suitable alternative housing.
- 4.10.4 If Launch Housing has suitable alternative properties available that meet the household’s requirements, impacted renters will be prioritised for offers to these properties.

5. Who is responsible for this policy

Who is responsible	Key activities
Launch Housing	<ul style="list-style-type: none"> • Supporting renters to end tenancies successfully and return properties in a timely manner.
Renters	<ul style="list-style-type: none"> • Provide sufficient notice of tenancies ending. • Return properties in a good condition.

APPENDIX: ADMINISTRATION

6. Definitions

Term	Definition
Notice to Vacate	A legal notice to a renter that the rental provider wants them to vacate the property by a certain date.
Possession order	An order granted by VCAT giving the rental provider the right to obtain a warrant to regain possession of the property.
Rental agreement	Lease under the Residential Tenancies Act 1997 (Vic), which sets out rights and duties of the renter and the rental provider.
Rent arrears	Unpaid rent owed by the renter to the rental provider.
RTA	The Residential Tenancies Act 1997 (Vic). The principal legislation governing rental housing in Victoria.
VCAT	Victorian Civil and Administrative Tribunal. A legal institution set up to administer several Acts. For residential tenancies, the Tribunal administers the Residential Tenancies Act 1997 (Vic).
Warrant of possession	A legal document issued by VCAT authorising police to proceed with an eviction.

7. Related Launch Housing Policies

Document name	Description
Tenancy Transfer Policy	Details how Launch Housing manages requests for transfers including eligibility requirements. It also sets out how Launch Housing initiates management transfers.
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.
Renter Recharge Policy	Details the responsibility for payment of maintenance undertaken on Launch Housing's properties.
Hardship and Temporary Absence Policy	Details how Launch Housing aids renters experiencing significant financial hardship.
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.
Breach of Rental Agreement Policy	Details Launch Housing's response to breaches of the residential rental agreement.

8. Legislation

This policy meets the following legislative requirements:

Name	Description
Charter of Human Rights and Responsibilities Act 2006 (Vic)	Legislation that protects 20 civil, political, and cultural rights and imposes obligations on Parliament, courts, and public authorities.
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 new 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			
Date last approved:	11/10/2024	Date of effect:	11/10/2024
Date last amended:	02/10/2024	Date of next review:	11/10/2026
Owner:	Group Manager, Housing Services	Approver:	Executive Director, Housing Solutions
Audience:	Renters in all Long-Term, Transitional Housing Management (THM), 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	20/5/2015	General Manager, Keeping Housing	General Manager, Keeping Housing	First Version
V2.0	29/03/2021	General Manager, Keeping Housing	General Manager, Keeping Housing	Amended terminology as per RTA Changes.
V3.0	11/10/2024	Group Manager Housing Services	Executive Director, Housing Solutions	Updated guidelines.