

**Mission Australia Housing
(Victoria) Limited**

**Policy and Procedures Manual:
VIC**

**Establishing and Maintaining
Tenancies**

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1.2 Establishing and Maintaining Tenancies

1. Document Overview

The Mission Australia Housing policies on Establishing and Maintaining Tenancies aim to provide information to applicants, tenants, staff and all relevant stakeholders on:

- The procedures for beginning a new tenancy
- Establishing and maintaining tenancies in line with the Residential Tenancy Agreement
- How tenant rents are calculated and charged
- How rent arrears and debts are managed
- Tenant rights and responsibilities
- How Mission Australia Housing manages breaches of tenancy
- Victorian tenancy legislation

This policy ensures that tenancies are managed by Mission Australia Housing efficiently and consistently and in line with all relevant legislation. Mission Australia Housing will work with tenants to help establish and maintain successful tenancies and ensure that all tenants understand their rights and responsibilities as a tenant.

All tenancy management policies will be available for tenants, stakeholders and support workers to view as required.

2. General Principles of Establishing and Maintaining Tenancies Policy

- To work within and promote the values of Mission Australia: Compassion, Integrity, Respect, Perseverance and Celebration
- To ensure tenants are fully aware of all their rights and responsibilities as tenants of Mission Australia Housing
- To ensure that methods used to calculate rents and update rents are applied fairly and consistently all across all income groups
- To ensure that rent is affordable for all tenants
- To abide by all relevant legislation including the Victorian Residential Tenancy Act 1997
- To build positive working relationships with tenants and support organisations
- To provide support and assistance to all tenants to ensure successful and sustainable tenancies
- To ensure tenants have access to information regarding their tenancy, relevant legislation and the processes at Mission Australia Housing
- To provide mechanisms for tenants to appeal against decisions made by Mission Australia Housing regarding their tenancy.

1.2.1 Start of Tenancy

1. Purpose

This policy details the how tenancies are established at Mission Australia

2. Policy

Mission Australia Housing aims to establish positive working relationships with all tenants to ensure successful tenancies. To do this, staff will provide clear and relevant information to all tenants at the start of their tenancy ensuring that tenants have a good understanding of their legal rights and obligations under the Victorian Residential Tenancy Act 1997.

Security of Tenure

Security of Tenure means that a tenant has the right to remain in their property, and cannot be asked to leave without good reason, such as if a tenant breaches their tenancy agreement. Mission Australia Housing understands that it is important for all people to feel secure in their home, which is why we are committed to providing tenants, where possible, the security of a long term tenancy.

As there are several different housing programs at Mission Australia Housing, tenants will be advised at the beginning of their tenancy on the type of property that is being offered, the length of tenancy being offered and any other information relevant to their tenancy under the program guidelines for that property.

Where Mission Australia Housing cannot offer security of tenure to tenants due to funding or program restrictions, we will aim to help tenants find alternate accommodation at the end of their tenancy.

Joint Tenancies

Joint tenancy is the name for the situation in which a residential tenancy agreement is in the name of more than one person. A joint tenancy can be between a married or de-facto couple, a same sex couple, two or more related people or in some instances friends.

Each person named on the tenancy agreement must be present at the sign-up to sign the lease for the property and both will be jointly responsible for managing all aspects of the tenancy. If the tenancy agreement is breached by one person only, Mission Australia Housing will be required to treat the matter as though both tenants have breached the agreement.

If there is a relationship breakdown and one of the two tenants requests to be housed in a separate property, Mission Australia Housing cannot guarantee they will be able to find the tenant a suitable property. The decision to re-house both tenants separately will depend upon how long the tenants have been in the property, the reasons for the separation (e.g. domestic violence) and whether both tenants are managing the property.

3. Applicability

This policy and procedure applies to Mission Australia Housing - Victoria

4. Procedure

Once an applicant has accepted a property, a date and time will be made with the applicant to sign a Residential Tenancy Agreement (lease) for the property and to

collect the keys. At this meeting a Housing Manager will discuss with the tenant all the information regarding their tenancy, how rent is calculated and their rights and responsibilities as tenants. To assist tenants in understanding this information all new tenants will be given a "New Tenancy Kit". This Kit will include:

- A copy of their Residential Tenancy Agreement (signed by both the tenant and Mission Australia Housing)
- A copy of the "Renting A Home: A guide for tenants and landlords" (provided to all tenants entering into a lease agreement in Victoria)
- 2 copies of the Property Condition Report
- A copy of the Mission Australia Housing Tenant Handbook. This handbook provides relevant information to tenants about the organisation, tenancy matters and contact details for utility connections, support services and local government agencies
- A recent copy of the tenant newsletter
- Information about how their rent is calculated
- Information on the Appeals and Complaints Policy
- Instructions on the various ways to pay rent
- Receipts for any money taken for rent and bond.
- Signed Photocopy of the keys the tenant has been given
- Any other information that may be relevant to the tenant to assist in establishing and maintaining their tenancy

Residential Tenancy Agreement

Each tenant housed by Mission Australia Housing will be required to sign a Residential Tenancy Agreement, which complies with the Victorian Residential Tenancies Act of 1997. This agreement will be explained in detail to the tenant at the time of sign up to ensure that each tenant fully understands their rights and responsibilities under the agreement. Once this has been done, the tenant will be asked to sign the lease to show that they agree to the terms and conditions contained within the lease. A Housing Manager will also sign the lease and a copy will be given to the tenant. The Residential Tenancy Agreement, once signed by both parties becomes a legally binding document.

Non-English Speaking Tenants

It is vital that all tenants understand the terms and conditions of the Residential Tenancy Agreement before signing their lease. For tenants who speak limited English an interpreter will be provided either in person or over the telephone at no cost to the tenant.

Vulnerable Tenants and under 18's

For all supported tenants and tenants under 18 years of age, a support worker, advocacy worker or family member must attend the sign up and witness the tenancy agreement. For tenants under 18 years of age who do not have a support worker or family member that is able to attend, Mission Australia Housing will provide a legal representative or advocate who will represent the tenant. Both the representative and the tenant will sign a separate document stating that they have read and understood the tenancy agreement. This document will be kept in the tenant's file.

1.2.2 Rental Payments at Start of Tenancy

1. Purpose

This policy provides information on the payments tenants are required to pay Mission Australia Housing at the beginning of their tenancy

2. Policy

At the time of signing a lease, all applicants will be required to pay two weeks rent and two weeks equivalent rent in bond.

Rent

It is a condition of tenancy that all rent accounts must be two weeks in advance. Rent is calculated (in most instances) at 25% of a household's gross income, plus 100% of their maximum Commonwealth Rent Assistance (CRA) Entitlement.

For information regarding methods of paying rent at Mission Australia Housing, refer to policy 1.2.5 of this section, How to Pay Rent.

Bond

A rental bond is an amount of money paid by a tenant as a form of security for the landlord in case the tenant does not follow the terms of the tenancy agreement.

Tenants will be required to pay the equivalent of two weeks rent towards bond at the beginning of their tenancy. The bond is sent to the Victorian Residential Tenancies Bond Authority who will hold the money until such time as the tenant moves out of their property.

3. Applicability

This policy and procedure applies to Mission Australia Housing - Victoria

4. Procedure

Applicants will not be allowed to sign the lease for their property and move in until rent and bond money is received. In some instances where an applicant is unable to pay both rent and bond at the beginning of a tenancy, they can apply to enter into a payment agreement to pay the bond over a period of time; however applicants must be able to pay the two weeks rent. Applicants who have been approved for this will be required to sign up to a payment plan and organise payments to be debited through Centrepay or Direct Debit.

At the time of signing the lease, both the tenant and the Housing Manager will complete a Bond Lodgement Form stating the tenant's details and the amount of bond being lodged. The top copy of the bond form, along with the bond money will be lodged with the Residential Tenancies Bond Authority (RTBA), in accordance with legislation within 10 business days of Mission Australia Housing receiving the bond money. A copy of the bond form will be given to the tenant.

1.2.3 Condition Reports

1. Purpose

This policy provides information to tenants and employees on the importance of completing a property condition report at the start of each tenancy

2. Policy

The Property Condition Report is a form to be completed by both the landlord and the tenant of a property detailing the condition of the property at the beginning of the tenancy and any items or furnishings within the property.

It is a condition under the Victorian Residential Tenancy Act that all tenants who pay a bond for a property must be given a condition report at the start of their tenancy, detailing the condition of the premises they are moving into. The tenant must then review and complete this form, add any comments and return it to their landlord within 3 days of being given the condition report.

3. Applicability

This policy and procedure applies to all tenants of Mission Australia Housing – Victoria

4. Procedure

- Before a tenant moves into a property, Mission Australia Housing will carry out an inspection of the property to ensure that the property is in a suitable condition and that there are no major repairs or maintenance issues that require immediate attention.
- A Housing Manager will complete a standard condition report detailing the condition of the property, any repairs or damage at the property and the general condition of the property features including carpets, blinds and paint. Photos will also be taken of the vacant property at this time and kept in the incoming tenants file.
- At the lease signing for the property the Housing Manager will explain to the tenant how to fill in a condition report and how and when to return the completed form.
- A joint inspection of the property can be carried out to help the tenant complete the condition report where necessary.
- There are three copies of the condition report. The Housing Manager completes all three copies, keeping the original. The other two copies are given to the tenant to complete.
- The tenant has 3 working days to complete both copies of the condition report and sign them. One copy is sent back to Mission Australia Housing and the tenant keeps the other copy.
- The tenant can add any notes, documents or photos to the condition report before handing it back
- The Housing Manager will then investigate and resolve any comments on the property condition report that indicate the tenant has disagreed with the original assessment of the property.
- Tenants will be advised to keep their copy of the condition report as a record. This document will be used should the tenant ever vacate the property.

1.2.4 Rent and Rebate Policy

1. Purpose

This policy aims to ensure that rents for social housing tenants are affordable and manageable and that there are clear, consistent processes in place for calculating and charging tenants rent. This policy clarifies:

- What is meant by a rental rebate
- What market rent is and how it is determined for each property
- Who is entitled to a rental rebate
- What percentage of rent Mission Australia Housing will charge for different incomes and household members
- How rent is calculated

2. Policy

Market Rent

All Mission Australia Housing capital properties are given a market rent value and this is the maximum amount of rent payable for a property. The market rent is the weekly rent amount based on the median rents listed in the Victorian Office of Housing Rental Reports. These reports are updated by the Office of Housing on a regular basis and provide an indication of what the median rental income is of similar properties in the area. For leasehold properties, the market rent will be the weekly rental amount that Mission Australia Housing is paying the landlord.

The market rent for all capital properties will be reviewed up to twice a year, in-line with rental reviews and will be updated as necessary. Mission Australia Housing will not rent properties from private landlords who are charging more than the median rent (as listed by the Victorian Office of Housing) for a property.

The market rent amount for a property will be listed on the front page of each Residential Tenancy Agreement.

Rental Rebates

Tenants housed through the general housing program, through Mission Australia nominated housing or any other support agreement are eligible to apply for a rental rebate or subsidy. The rebate is based on a percentage of the entire household's gross assessable income, plus 100% of the maximum entitlement for Commonwealth Rent Assistance.

The table below details the percentage of assessable income, payable by different members of the household:

Assessment Rate	Tenant/Other Household Member
25%	The tenant, their spouse or live in partner. This is regardless of age
	All other people living in the house aged over 21 years of age
15%	Family members aged between 18 – 21 years of age
15%	Family Tax Benefit A and B
100%	Maximum Commonwealth Rent Assistance Entitlement for all household members
Nil	Family Members earning an income who are under 18 years of age

Note: Not all government incomes are assessable for the purposes of rent. For full details of assessable and non-assessable rents please visit the Victorian Office of Community Housing website www.housing.vic.gov.au

A tenant's rebated rent is capped at the market rent for the property they are residing in. This means that even if their calculated rental amount (approximately 25% of income) is over the market rent for a property, the maximum they will be charged is the market rent.

Rental Rebates are conditional on tenants providing income details regularly to Mission Australia Housing so that their income can be assessed to ensure they are paying the correct amount of rent. Tenants who fail to provide up-to-date income details during rent reviews or when their income details change may have their rental rebate cancelled and will be required to pay market rent. See Rent Review Policy (1.2.6) for more information.

Affordable Housing Tenants

Tenants housed through Affordable Housing Programs may be charged a weekly rent at a higher rate of income – between 25-30% - depending on the program type and their income. Alternatively, they may be charged at a discounted rate of the median rental for the area, this is usually set at 75% of the median rent.

For further information, please refer to the guidelines of the individual Affordable Housing Program.

3. Applicability

This policy and procedure applies to Mission Australia Housing - Victoria

4. Procedure

Calculating Rebated Rent

- Tenants will be required to fill in a Tenant Declaration Form detailing all household members, their ages and incomes.
- The Declaration needs to be dated and signed by the main applicant/tenant.
- Payslips, Centrelink Income Statements and any other details of income received for the entire household will need to be attached to the Tenant Declaration.
- Tenants will also need to provide details of any assets.

- If a tenant is working part-time or casually and their income varies, they will be required to send in a minimum of 12 weeks income details.
- All income details need to be less than 4 months old.
- Children under 18 years of age (who are not the main tenant) receiving an income (Youth Allowance, wages etc) will not be charged any rent, but they are still required to send in their income details
- Young people aged between 18 years and 21 years of age will be charged at 15% of their gross income, except in situations where the young person is either the sole tenant or is the partner of a tenant. In this case they will be charged at 25% of their gross income.
- All the gross (pre-tax) income details will be entered on the computerised tenancy database which will then automatically calculate the weekly and fortnightly rent
- A copy of the calculation and the breakdown of payment amounts will be provided to tenants at the start of their tenancy and at every rent review.
- If a tenant provides evidence that they are not receiving any income including any Centrelink payments, or their income is below the Basic Newstart Allowance fortnightly amount, they may be charged rent at 25% of the Basic Newstart Rate until their situation changes.

1.2.5 How to Pay Rent

1. Purpose

This policy provides information on the different ways that tenants can pay their rent at Mission Australia Housing.

2. Policy

In order to help tenants pay their rent regularly and on time, Mission Australia Housing provides a wide range of payment options for tenants to pay their rent. Tenants will be provided with information on rent processes and details of how they can pay rent at the beginning of their tenancy. All tenants are required to pay rent two weeks in advance, in line with their tenancy agreement.

Rent Statements and Receipts

Tenants will be sent a rent statement each quarter, detailing their account activity during the previous quarter. Tenants can also request a rent statement be sent to them at any period.

Rental receipts will only be issued when a tenant makes a rent or non rent payment in the office. Tenants can contact the office to request that a receipt be posted out to them or can collect one from the office during business hours.

3. Applicability

This policy and procedure applies to Mission Australia Housing

4. Procedure

Tenants will be given a tenant reference number at the beginning of their tenancy. This number will be registered on the tenancy database and needs to be put on any

payments the tenant makes towards rent, bond, water usage or any non-rent debt that the tenant has. This number helps staff match payments to tenants.

Tenants can pay rent in the following ways:

Payment Method	Requirements
Centrepay	Tenants will be required to complete a Centrepay and send to Centrelink to be processed. Their fortnightly rent will then be deducted automatically from their Centrelink benefits
Bank Deposits	All tenants will be provided with a deposit book and a tenant reference number for payments. Payments can be made using the deposit book at any Westpac Bank
Internet Payments	Tenants can transfer funds through internet banking using Mission Australia Housing's bank account details and their reference number
Direct Deposit	Tenants can set up a direct deposit through their bank. Some banks do charge for this so MAH will advise tenants to check with their bank before setting up a Direct Deposit
Money order or cheque	Tenants can post or hand deliver payments by cheque or money order
EFTPOS or credit card payments	Accepted at most Mission Australia Housing offices

Centrepay

Tenants who receive regular payments from Centrelink will be encouraged by Mission Australia Housing to make their fortnightly rental payments through Centrepay. Centrepay is an automatic deduction of a nominated rent amount to Mission Australia Housing on the day a tenant receives their Centrelink benefits. This method does not cost anything to the tenant and ensures that the payment is made on time each fortnight.

1.2.6 Rental Reviews

1. Purpose

This policy details Mission Australia Housing's tenant rent review policy and procedure. This policy ensures that all tenants are paying affordable rent based on their household income.

2. Policy

Mission Australia Housing will conduct up to two rent reviews per year. The purpose of the rent review is to ensure that tenants are paying the correct amount of rent, as per their income details and to update any changes to the household income.

3. Applicability

This policy and procedure applies to all of Mission Australia Housing - Victoria

4. Procedure

- Mission Australia Housing will send all tenants a letter advising that a Rental Review is being conducted and that tenants need to supply full income details for the entire household

- Attached to the letter will be a Tenant Declaration Form
 - Tenants will be required to fill in the Tenant Declaration Form detailing all household members, their ages and incomes.
 - The Declaration needs to be dated and signed by the main applicant/tenant.
 - Payslips, Centrelink Income Statements and any other details of income received for the entire household will need to be attached to the Tenant Declaration
 - The letter will advise tenants of a date that all household income information including the Tenant Declaration Form needs to be returned.
 - Tenants will be notified in the letter that if they do not return their income details by the date specified their rent will be increased to market rent. The notice will take into account the required 60 day notice period for any increases in rent.
 - Once the household's income details have been received, Housing Managers will enter all the details onto the tenancy database to work out whether there are any changes to the household income.
 - Any decrease in rent will take effect from the date the income details were received.
 - Any increase in rent will take effect from the date of 60 days notice (minimum) specified in the letter.
 - Any increase in rent will be capped at the market rent for a property
 - A letter will be sent to tenants after their review has been completed advising them of any changes to their rent and when this will take effect from
 - Tenants will also be supplied with a Rent Assessment sheet, detailing the breakdown of income assessed, along with a rent statement.
 - Tenants will be advised to contact Centrelink to report any changes to the rent for the purpose of calculating their Commonwealth Rent Assistance Entitlement
-
- The tenants income details along with the Rent Assessment Sheet and a copy of the letter sent to tenants advising of the change in rent will be kept in the tenants file.

Tenants Who Do Not Return Income Details

- Tenants who have not sent in their income details for entire household by the date specified on the original Rent Review Letter will receive a reminder notice advising them that their rent will increase to market rent if they do not provide income details.
- The increase to market rent will occur on the date that was advised on the Rent Review Letter, providing the required 60 days notice.
- Housing Managers will attempt to contact tenants who have not returned their details by phone to discuss the matter.
- A letter will be sent to tenants on the day their rent is increased to market rent to advise of this
- Tenants will continue to be charged market rent until such time as they provide updated income details for the entire household.
- Once a tenant returns their income details, if they are entitled to a rental rebate the rebate will take effect from the date the income details were received.
- Mission Australia Housing will not backdate the rental rebate more than 14 days, however, if the tenant has not returned their income details due to exceptional circumstances such as being overseas or in hospital and can provide evidence of this, then any rebate will be backdated.

Notifying Mission Australia Housing of Changes to Income

As part of their lease agreement, tenants are required to provide details of any change in their income, within 28 days of their income changing. When tenants notify Mission Australia Housing of any changes to their income, a Housing Manager will enter the changes onto the tenancy database and notification will be sent to the tenant regarding changes in their rent.

- Any decrease in rent will take effect from the date that the new income details were received.
- Any increase in rent will take effect 60 days after new income details were received

Tenants who do not notify Mission Australia Housing of any changes to their household income within 28 day may be considered to be committing rental fraud and will have their rental rebate cancelled. For more information, refer to the Rental Fraud Policy 1.2.18.

Appealing Decisions

If tenants disagree with any decision made as part of their rent review, including the new rent amount or the date that the new rent amount started from, they should contact their Housing Manager to discuss the matter and have the rent assessment checked for accuracy. The Housing Manager will explain to the tenant how rent is calculated and any other relevant information.

If tenants are dissatisfied with the outcome after talking to their Housing Manager they can ask for a formal review of the decision and will be given an Appeals form to complete along with information on the Appeals Policy. The Appeal will be reviewed by either the Senior Housing Manager or the Executive Officer and a response will be given within 21 days of the appeal being lodged. (See Appeals Policy 1.2.22 for further information)

1.2.7 Water Usage Charges

1. Purpose

This policy provides information on water usage charges at Mission Australia Housing properties.

2. Policy

Where relevant and where properties have individual water meters, tenants will be required to pay for any water usage at their property. If tenants are required to pay for their water usage, they will be advised of this at the start of their tenancy. Tenants are only required to pay for their water usage and not water rates for the property.

3. Applicability

This policy and procedure applies to Mission Australia Housing - Victoria

4. Procedure

Tenants will be sent a copy of the quarterly water bill for their property within 30 days of Mission Australia Housing being issued with the bill. A letter will be attached to the bill detailing the amount of money that the tenant owes and how they can pay this bill.

Water usage payments are to be paid directly to Mission Australia Housing and not to the relevant Water Company.

If a tenant does not pay their water bills, Mission Australia Housing may apply to the Victorian Civil and Administrative Tribunal (VCAT) to seek an order for the tenant to pay the money owing.

1.2.8 Arrears Management

1. Purpose

It is important that tenants pay their rent regularly and on time as Mission Australia Housing relies on this rental income to continue to provide affordable housing services to our clients.

This policy details how Mission Australia Housing will manage tenant rental arrears.

2. Policy

Mission Australia Housing aims to reduce and prevent rental arrears where possible by working with tenants and support agencies to help tenants manage all aspects of their tenancies.

Mission Australia Housing is committed to working with tenants to help prevent them from getting into financial situations from which they might find it hard to recover. Housing staff understand that rental arrears can quickly build up to an amount that is very difficult to repay and by managing rental arrears quickly, efficiently and with sensitivity they can help people maintain their tenancies.

The tenancy agreement that all tenants sign at the beginning of their tenancy states that "Tenants must pay their rent in advance each fortnight". If tenants do not pay their rent each fortnight and their rental account goes into arrears, they will be in breach of their tenancy agreement and as such Housing Managers will be required to take action.

Rental arrears policy provides tenants with an opportunity to repay rental arrears through negotiation with the local housing office.

Rent Inputting

The administration team will enter rental payments made by Centrepay and Bank or Internet Deposits on a daily basis. This allows staff and tenants to have accurate and up to date information regarding their accounts and any rental arrears as and when needed. Payments by EFTPOS, credit card, money orders and cheques will be processed and inputted at the time payment is received.

Administration staff will provide a weekly rental arrears report to all Housing Managers. The report will show all tenants with a rent debt of 1 day or more. The report will also include information of all tenants who have a non-rent debt. Housing Managers are responsible for reviewing the arrears report each week and taking action in line with the arrears procedure and the Residential Tenancy Agreement to reduce the arrears.

3. Applicability

This policy and procedure applies to Mission Australia Housing - Victoria

4. Procedure

Rental Arrears less than 5 days

Mission Australia Housing aims to help tenants resolve any rental arrears quickly before they become unmanageable. Housing Managers will aim to contact tenants who are in rental arrears of between 1 to 5 days by telephone to remind tenants that they need to pay their rent in advance and to ensure there are no issues with the tenant.

If the tenant is not contactable by telephone, Housing Managers will issue a reminder letter to tenants detailing their responsibilities under the Residential Tenancy Agreement to pay rent on time. A rent statement will be included with the letter.

Details of any phone conversation and letter sent will be recorded on the tenancy database for future reference.

Rental Arrears 5 to 14 days

When a tenants rental account is between 5 and 14 days in arrears a Warning Letter will be sent to the tenant advising that if they do not clear their rental arrears and their account becomes more than 14 days in arrears they will be issued a 14-day Notice to Vacate.

The letter will advise the tenant to contact their housing manager immediately to discuss the matter and/or work out a payment plan for the arrears. Details of financial advisory services will be included in the letter.

Housing Managers will also try to contact the tenant by phone to discuss the matter and to try and work out a payment plan for the arrears. Details of any phone conversation and letter sent will be recorded on the tenancy database for future reference and a hard copy of the letter sent to the tenant will be stored in the tenants file.

Rental Arrears of more than 14 days

If a tenant becomes more than 14 days in arrears and has not made contact with Mission Australia Housing to discuss the matter or to arrange a payment plan, then in line with the Victorian Residential Tenancy Act (1997), a Housing Manager will be required to issue the tenant with a 14 Day Notice to Vacate. A rent statement and details of tenancy and financial advisory services will be included with the Notice and it must be either hand delivered to the tenant or sent by Registered Post.

A Notice to Vacate will require the tenant to pay their arrears in full. The letter states that unless the arrears have been paid in full by the date specified on the letter (14 days plus 2 working days postage), then Mission Australia Housing may apply to the Victorian Civil and Administrative Tribunal to have the matter heard.

The Housing Manager will contact the tenant by phone to discuss the Notice and to try to arrange a payment plan for the arrears. If the tenant is not contactable by phone and has not made contact with the organisation, the Housing Manager will visit the

property with another staff member to further investigate the matter and to check whether the tenant may have abandoned the property.

Details of any phone conversation and letter sent will be recorded on the tenancy database for future reference and a hard copy of the letter sent to the tenant will be stored in the tenants file.

Payment Plans for Rental Arrears

If a tenant cannot pay their rental arrears in full, Housing Managers will try to arrange a payment plan for tenants to pay off their arrears over time. Staff will ensure that the payment plan is manageable for the tenant, taking into account the household income and all other financial commitments they household may have.

A payment plan will require the tenant to continue to pay their full fortnightly rent on time plus an additional regular payment to contribute to their arrears. Housing Managers will ensure that the tenant's new payments under the payment plan do not exceed 30% of the household's gross income so as to avoid any further financial stress for the tenant/s.

Once an amount has been agreed on as well as a date for the first payment to commence and the frequency of payments (i.e. weekly or fortnightly), the payment plan will be written up into a contract and signed by both the tenant and the Housing Manager. Details of the payment plan will be recorded on the tenancy database and in the tenant file.

The Housing Manager will monitor the tenants account closely to ensure that each payment is being made on time and the correct amount is being paid. If any payments are missed or paid late, the Housing Manager will apply to the VCAT to seek an order for payment.

Victorian Civil and Administrative Tribunal (VCAT)

VCAT is the venue where landlords and tenants can settle any disputes surrounding a tenancy. In the case of rental arrears, Mission Australia Housing can apply to VCAT to either seek an Order for Payment of rent and rental arrears or an Order of Possession requiring the tenant to vacate the premises.

Once a Notice to Vacate has been issued, Mission Australia Housing has 30 days from the date specified on the Notice to apply to VCAT to have the matter of rental arrears adjudicated. If a tenant is not adhering to the terms and conditions of a payment plan or has not made any contact with Mission Australia Housing to discuss their rental arrears, the Housing Manager will apply to VCAT for an order for the tenant to pay their rent and rental arrears over a period of time. If tenants do not keep to the terms of the payment order set out by VCAT, and the rental arrears continue to increase, Mission Australia Housing may reapply to VCAT for an Order of Possession

It is important that tenants attend any VCAT hearing and Housing Managers will encourage tenants to attend and will provide information about the hearing and what they need to bring and where they can get support and advice from.

Orders of Possession

An order for possession from VCAT is usually a last resort for Housing Managers when dealing with rental arrears. Housing Managers will attempt to work with the tenant and support agencies - where appropriate - to help tenants repay their rental arrears and manage their tenancies.

- Housing Managers will first apply to the VCAT for an Order to repay the rental arrears over a period of time.
- If the tenant either does not clear the arrears in full or does not keep to the terms and conditions of the order then the Housing Manager will be required to apply to the VCAT for an Order of Possession.
- The Housing Manager will write to the tenant to advise that an application to have the matter re-heard has been sent to VCAT and that Mission Australia Housing will be requesting at the hearing that the tenancy be ended and vacant possession be given to Mission Australia Housing.
- The letter will advise tenants that if they clear their arrears in full before the hearing date, the application to VCAT will be withdrawn
- The tenant will be given telephone numbers of free Tenant and Legal Advisory Services to contact where they can get support or advice.
- At the VCAT hearing, the Housing Manager will request that the tenancy be terminated and possession given to Mission Australia Housing. An order requesting that the tenant pays the full amount of rental arrears will also be requested.
- At the hearing the tenant will have an opportunity to discuss their situation with their Housing Manager and the Tribunal Member, before a decision is made.
- VCAT and Mission Australia Housing will send a letter to the tenant advising them of the outcomes of the hearing, the orders that were made and if Mission Australia Housing are successful, the date that the tenant is required to vacate the premises.
- If the tenant does not vacate the premises by the date the VCAT has specified, then Mission Australia Housing will apply to VCAT to obtain a Warrant for Possession. Once a warrant has been granted Mission Australia Housing will arrange for the police to attend the premises to ensure the premises have been vacated. The locks of the property will be changed at this point so that the tenant cannot re-enter the premises.
- If a bond has been lodged, Mission Australia Housing may claim back some or all of the bond money towards reducing the rental arrears owing.
- If the tenant pays their rental arrears in full they may be permitted to remain in the premises but will be required to sign a new tenancy agreement.

1.2.9 Debt Management

1. Purpose

This policy provides information on Mission Australia Housing's debt management policy for former tenants.

2. Policy

Where a tenant either voluntarily leaves their property or leaves due to an order that has been imposed by the Victorian Civil and Administrative Tribunal (VCAT), they will be required to pay to Mission Australia Housing any rent or non-rent debt that they have incurred during their tenancy. They will also be responsible for the cost of any damage or repairs needed to their property as a result of deliberate or negligent tenant actions (fair wear and tear excepted).

3. Applicability

This policy and procedure applies to Mission Australia Housing - Victoria

4. Procedure

When a tenant vacates a Mission Australia Housing property with rental arrears or a non-rent debt, the Housing Manager will apply to the Victorian Civil and Administrative Tribunal for an order for the tenant to pay the debt in full to Mission Australia Housing. If the tenant does not pay this amount in full or does not contact the organisation to arrange a payment plan to pay off the debt over time, the details of their debt owing may be supplied to a debt recovery agency who will pursue the debt.

1.2.10 Routine Inspections

1. Purpose

This policy provides information on routine property inspections at Mission Australia Housing for both capital and leasehold properties.

2. Policy

Mission Australia Housing is permitted under the terms and conditions of the Residential Tenancy Agreement to carry out up to two (2) routine inspections per year of each property.

Inspections are important as they allow Mission Australia Housing to check the condition of the property and assess any work that needs to be done to the premises. It is also used as a good opportunity for tenants to report any property concerns or maintenance requests they may have or to ask their Housing Manager any questions regarding the property or their tenancy.

3. Applicability

This policy and procedure applies to Mission Australia Housing - Victoria

4. Procedure

Capital Properties

Tenants will be given a minimum 24 hours notice in writing of any routine inspection unless otherwise agreed by telephone with the tenant. If a tenant is unable to be at the property for the inspection they should contact their Housing Manager to:

- Arrange a more suitable time within business hours for the inspection to take place
- Advise the Housing Manager that they give permission for Mission Australia Housing to use the spare key to access the premises whilst they are not there.

If a tenant does not contact Mission Australia Housing to arrange one of the following options and does not allow access then a second letter will be sent to tenants reminding them of their responsibilities under the Residential Tenancy Agreement and advising that not allowing access is a breach of their Tenancy Agreement. A second inspection date will be proposed within this letter. Housing Managers will also try to telephone the tenant at this stage to discuss the matter and to confirm a date for the inspection.

If the tenant does not allow access on the second inspection date and does not provide a valid reason as to why access was not granted then Mission Australia

Housing will apply to the Victorian Civil and Administrative Tribunal (VCAT) for an Order to gain access.

Tenants who continually do not allow access may be issued with a Notice to Vacate for Breach of Duty. See Policy 1.2.21 Breach of Tenancy for more information.

Leasehold Properties

For leasehold properties Mission Australia Housing will follow the same processes that are used for the capital property inspections. However, it is important that all tenants of leasehold properties are made aware that the landlord and or real estate agent for their property is entitled to carry out 2 inspections per year. Mission Australia Housing will try to arrange with the landlord or agent to do the inspection at the same time so as to minimise disruption to the tenant, though this will not always be possible.

1.2.12 Keeping of Pets

1. Purpose

Mission Australia Housing understands the attachment many people have to their pets and how important companion animals can be to the health and wellbeing of people. However, it is important to note that not all properties at Mission Australia Housing will be suitable for pets for a number of reasons including size of property, location or type of property.

2. Policy

Capital Properties

Capital properties are properties that Mission Australia Housing own and are considered permanent housing. Tenants in these properties will be permitted to have a pet provided that:

- The property is suitable for the type of pet requested (e.g. most units are not suitable for dogs and cats to live in).
- The animal does not interfere with the relative peace, comfort and privacy of neighbours
- The tenant complies with the Domestic (Feral and Nuisance) Animals Act 1994, which stipulates that cats and dogs wear identification tags and not be allowed to roam unattended.
- The tenant is presently maintaining their property to an acceptable standard and there are no issues with the tenancy
- The tenant, after gaining permission to have a pet continues to maintain the property and the addition of a pet does not cause any damage or excess wear and tear to the property.

Leasehold Properties

Leasehold properties are properties that Mission Australia Housing rents through the private rental market and then sub-leases to the tenant. These properties are not permanent properties and therefore tenants in these properties are usually not allowed to keep animals. Mission Australia Housing will need to seek approval from the private owner or real estate agent regarding permission to keep animals.

3. Applicability

This policy and procedure applies to Mission Australia Housing - Victoria

4. Procedure

Any tenant wishing to have an animal in their property, should contact their Housing Manager to discuss the possibility of keeping a pet. The Housing Manager will if necessary carry out an inspection of the property to determine its suitability for keeping animals and to ensure the tenant is managing the property. Other factors such as neighbours will also be taken into consideration when making a decision.

Once a decision has been made the Housing Manager will write to the tenant advising whether or not they now have permission to keep an animal at the property. The letter will detail the type and number of pets allowed.

Tenant's who are found to be keeping animals in their property without written permission or keeping more animals than allowed, will be in breach of their tenancy agreement. In this situation, the Housing Manager will issue the tenant with a Breach of Duty them notice and give them 7 days to remove the animal(s). If the tenant has not permanently removed the animals after this period then Mission Australia Housing will apply to the Victorian Civil and Administrative Tribunal (VCAT) to seek an order to remove the animals.

Tenants who do not remove animals after this point will be issued with a Notice to Vacate due to Breach of Duty and Mission Australia Housing may seek to end the tenancy at VCAT.

1.2.13 Absence from Dwelling

1. Purpose

This purpose of Mission Australia Housing's policy on Absences from Dwellings is to provide information on what are considered acceptable tenant absences from properties and how tenants can apply for and manage any absences.

2. Policy

Housing that is provided through Mission Australia Housing is a scarce resource and is used for those most in need of secure, affordable accommodation. This policy aims to ensure that Mission Australia Housing's resources are used by people most in need of housing and are not left vacant for extended periods of time.

Mission Australia Housing understands that there are a number of reasons that tenants may be absent from their homes, including:

- Caring for sick family members
- Being admitted into hospital, a rehabilitation facility or a nursing home
- Escaping domestic violence
- Holidays
- Work, education or training courses

Short Term Absences

Tenants do not need to advise Mission Australia Housing if they are going to be away from the property for less than six (6) weeks, though it is advisable for tenants to inform their Housing Manager. Tenants will need to ensure that rent and any water usage charges will be paid on time whilst they are away and that they have a friend, neighbour or family member who can regularly check on the property.

Absences over 6 weeks

If a tenant is planning on being away from the property for more than 6 weeks they will need to contact Mission Australia Housing to seek permission and to provide details of why they will not be living at the property and when they will be returning. This needs to be done even if other members of the household will be remaining in the property

In most cases an application for absence from a property will be approved provided that:

- The rent will be paid on time and in advance as per the tenancy agreement
- All water usage charges will be paid in full and on time
- That the period of absence is less than 6 months in total and a date of return is given to Mission Australia Housing
- There is a good reason for going away
- Emergency contact details have been provided
- An agent has been appointed by the tenant to regularly check on the property, collect mail and ensure the property is being well maintained. An agent can be a friend, family member or neighbour.
- The tenant gives permission for Mission Australia Housing and where applicable the real estate agent or landlord to carry out routine inspections of the property where required.
- The tenant has not had more than 12 months in total of absences from the property within the last 5 years.

Tenants will need to provide evidence regarding all of the above matters before an application for absence will be granted.

Reduced Rent Policy

Mission Australia Housing tenants can apply to have their rent reduced for a period of up to six (6) months if they are away from their property and are in:

- A nursing home
- A rehabilitation centre
- Respite care
- A refuge as a result of leaving a domestic violence situation.

To be eligible for the reduced rent of \$5.00 per week tenants must provide evidence to Mission Australia Housing that they are staying in one of the above places and are paying a fee for their accommodation. Tenants who are not paying a fee will be required to continue to pay their rent as normal during the absence.

Any applications for a reduction in rent must be put in writing and will be reviewed by the Senior Housing Manager, who will make a decision whether or not to approve the reduction and for how long.

Tenants who go into prison can have their rent reduced to \$5 per week for a period of up to three (3) months only. If the tenant is in custody for longer than 3 months, the Housing Manager may seek to end the tenancy. This reduction is a one off reduction and if the tenant re-offends and is sent to prison at a later period, their rent will not be reduced and the Housing Manager may seek to end the tenancy.

In all other absences, tenants will be required to pay their regular rental amount and are not entitled to a reduced rent.

3. Applicability

This policy and procedure applies to Mission Australia Housing - Victoria

4. Procedure

Unapproved Absences

If Mission Australia Housing discovers that a tenant has either:

- Been absent from their property for more than six (6) weeks without obtaining approval
- Been away from their property for longer than the period that has been agreed to

This will be considered an unapproved absence. Housing Managers will first attempt to contact the tenant, a household member or their next of kin to discuss the matter. If the situation is not resolved then the Housing Manager may do one of the following:

- Charge market rent for the property the time that the tenant has either left or from the day after the approval date of absence expired.
- Apply to the Victorian Civil and Administrative Tribunal (VCAT) to have the tenancy ended. Mission Australia Housing may do this even if the tenant's rent account is paid up to date and the property is being looked after.

Maintaining Tenancy Obligations While Absent from Dwelling

An absence of over six (6) weeks from the property will only be approved if the tenant can prove they have made arrangements for the property to be maintained and cared for whilst they are away. The tenant is still responsible for meeting all their obligations under the Residential Tenancy Agreement, even while they are absent from their property and this includes being responsible for the behaviour of anyone else in the property. Any breaches of the Tenancy Agreement while the tenant is away, may result in Mission Australia Housing taking the matter to the VCAT.

Examples of breaches of the Tenancy Agreement that may result in Tribunal action include:

- Not paying rent on time and in advance
- Permitting any member of the household, a guest of yours or the person responsible for taking care of your property to cause or permit a nuisance
- Any member of your household, a guest or the person you have elected to take care of your property deliberately or negligently damaging your property
- Sub-letting your property (renting your property out to another person/s)
- Not keeping the property reasonably clean
- Allowing the premises to be used for illegal purposes
- Not advising Mission Australia Housing of the number of people living in the property and the income details of all people living in the property

If the tenancy agreement has been breached, Housing Managers will make every attempt to contact the tenant to discuss the matter and try to rectify the situation. If the tenant is not contactable then Mission Australia Housing will discuss the situation with

the person the tenant has appointed to care for the property during the tenant's absence.

If the breach of tenancy is not resolved, Mission Australia Housing may issue a notice for Breach of Duty and apply to the VCAT to have the matter heard.

1.2.14 Additional and Unauthorised Occupants

1. Purpose

This policy provides information on additional and unauthorised occupants at Mission Australia Housing properties.

2. Policy

Mission Australia Housing understands that household compositions may change over time and tenants may want additional people such as a partner or carer to come and live in their property. An additional occupant is defined as any person who is staying in a Mission Australia Housing property who is not a member of the household approved at the beginning of the tenancy.

If tenants want another person to come and live in their property, they must apply to Mission Australia Housing for approval and provide income details for the additional person. If they do not get approval first, tenants will be considered to be housing unauthorised occupants and will be in breach of their tenancy agreement. This means that any rental subsidy tenants receive may be cancelled and their rent may be increased to market rent.

3. Applicability

This policy and procedure applies to Mission Australia Housing - Victoria

4. Procedure

Applying for an Additional Occupant

When applying for an additional occupant to reside at the premises, the tenant and the person applying need to understand that:

- The rent will probably change when an extra person moves into the property. This change will generally occur because either the additional occupant has an income that will need to be assessed or because the addition of another person will change the original tenant's income. Because of these changes we will need to do a rent review and reassess the households rent.
- If having an additional occupant causes overcrowding, tenants must accept this. Requesting an additional occupant is not usually grounds for requesting a transfer to a larger property. Mission Australia Housing will generally not approve the request for an additional occupant if it will cause severe overcrowding.
- If the additional occupant is a former tenant, the application may not be approved if there were any issues regarding their previous tenancy such as an outstanding debt or if the tenancy was terminated due to a breach of tenancy
- If the current tenant is in rent arrears or has an outstanding non-rent debt, the application may not be approved until the arrears have been cleared.

Tenants will need to put any requests to have an additional occupant in writing and supply new income details for all members of the household plus the additional occupant. An inspection of the property may be carried out by the Housing Manager to ensure that the property is currently being maintained by the tenant and that allowing an additional occupant will not create overcrowding.

The Housing Manager will make a recommendation to the Senior Housing Manager who will make the final decision. Tenants will be notified in writing of the decision and details of any changes in rent will be included.

Unauthorised Occupants

An unauthorised occupant is a person/s who is staying at a Mission Australia Housing property longer than the allowed timeframe of 28 days allowed for a visitor (See Visitor Policy 1.2.15) and who has not been approved to be an additional occupant. Tenants who are housing unauthorised occupants may be committing Rental Fraud by not declaring the income of all persons residing in the property (See Rental Fraud Policy 1.2.18) and may have their rent subsidy cancelled.

If Mission Australia Housing receives information that there is an unauthorised occupant in a property, a Housing Manager will write to the tenant to arrange an inspection and to discuss the matter. The manager will check that the occupants living in the home are the same as those nominated on the Tenant Declaration for the household.

If the Housing Manager finds unauthorised occupants living in the premises, the Housing Manager will ask the tenant to submit an application for an additional occupant. If they do not, the tenant will be advised in writing that their rebate will be cancelled.

Squatters

A squatter is someone who lives in a vacant property where no lease agreement is in place. There is no relationship between Mission Australia Housing and the squatter/s, so the Victorian Civil and Administrative Tribunal (VCAT) do not have any jurisdiction regarding this matter. It is the responsibility of the police and the courts to deal with squatters.

If squatters are found to be residing in a Mission Australia Housing property, the police will be contacted to remove them from the premises. At this point the premises will be secured by changing locks on doors and windows and boarding up any unsecured windows or openings to prevent anyone entering the premises. If the police do not remove the squatters, Mission Australia Housing may commence action in the Supreme Court to remove them.

1.2.15 Visitor Policy

1. Purpose

This policy provides information on the Visitor Policy for Mission Australia Housing properties.

2. Policy

Mission Australia Housing understands that many tenants will occasionally want family, friends and partners to visit them at their homes as guests. These people are considered visitors and not additional occupants. A visitor is a person who has been invited by the tenant to temporarily stay at a Mission Australia Housing property for a period of up to 4 weeks (28 days). Tenants do not need to advise Mission Australia Housing if they are having a visitor staying at their property for less than 28 days. If a tenant wants their visitor to stay for longer than 28 days, the tenant must apply for the visitor to be approved as an additional occupant.

Mission Australia Housing also considers a visitor to be any relatives, carers, children or partners that stay at the property no more than 3 nights per week and have a permanent residency elsewhere. Tenants will need to provide information of any regular visitors to their property. These visitors will not be charged rent provided that evidence is provided to show that they are permanently residing elsewhere.

3. Applicability

This policy and procedure applies to Mission Australia Housing - Victoria

4. Procedure

Tenants do not need to advise Mission Australia Housing if they are having a visitor stay at their property for less than 28 days. If tenants want someone to stay more than 28 days they will need to apply in writing to Mission Australia Housing for an Additional Occupant (See Additional Occupant Policy 1.2.14).

If visitors are found to be staying at a property for over 28 days and the tenant has not applied for an additional occupant, they will be considered to be housing an unauthorised occupant and may be committing Rental Fraud (See Rental Fraud Policy 1.2.18)

1.2.16 Good Neighbour Policy

1. Purpose

The good neighbour policy provides information to staff and tenants of Mission Australia Housing on:

- The strategies that Mission Australia Housing employs to minimise conflict between neighbours
- How to make a complaint
- How Mission Australia Housing responds to neighbour complaints
- Tenants rights and responsibilities under the Residential Tenancy Agreement
- Mediation services

2. Policy

Mission Australia Housing understands the importance of building strong, sustainable and peaceful communities and employs a wide range of strategies to ensure successful and long term tenancies within the community

Many of the properties that Mission Australia Housing provides are close together, with many properties having shared laundries, gardens and parking spaces. Our properties house a wide variety of people from singles to couples to large families, so it is important for tenants to realise that some noise and difference in lifestyle choices are inevitable and should be expected.

Sometimes these differences or noises can create issues amongst neighbours. In most cases, we recommend that tenants try to resolve the issue themselves by speaking directly with their neighbour/s regarding their concerns. Discussing the situation between neighbours and working together to find a solution is usually the simplest and fastest way to resolve any issue. However if tenants find that after discussing the issue with a neighbour that the problem continues, or they feel that the problem is too serious or confrontational to discuss directly with a neighbour, tenants are encouraged to contact their Housing Manager.

Tenant Rights and Responsibilities

- Mission Australia Housing respects the rights of all tenants to live in peace and will not tolerate any form of harassment or discrimination towards any tenant or group of tenants. This includes verbal, physical or any other form of harassment, discrimination or threatening behaviour related to racial, religious, cultural or personal differences.
- Tenants have a right to make a complaint about any tenant or group of tenants who they feel are violating their right to live in peace and/or privacy
- Under the Residential Tenancy Agreement tenants have a responsibility to not cause or permit a nuisance or to interfere with the reasonable peace, comfort and privacy of their neighbours
- Not to use the premises or allow the premises to be used for any illegal purposes
- To maintain the grounds and garden and ensure that all rubbish is removed
- Tenants are responsible for their guest's behaviour whilst on the premises
- Tenants have a right to be provided with support and information regarding resolving complaints

3. Applicability

This policy and procedure applies to Mission Australia Housing - Victoria

4. Procedure

Receiving and Responding to Complaints

- Tenants will be encouraged to first contact their neighbours directly to discuss their concerns.
- If a tenant has been unable to resolve any complaint with their neighbour, or they feel that the complaint is too serious to discuss directly with their neighbour, they should contact their Housing Manager to discuss the complaint.
- Tenants will be asked to provide as much information as possible regarding the complaint including dates, times, and specifics of what the other person/s is doing and how it is affecting them.
- All the details of the complaint will be recorded on both tenants files (if only one tenant is a Mission Australia Housing tenant, then this will be the only record kept).

- Housing Managers will encourage the tenant where possible to work directly with their neighbours to resolve this issue and will provide advice on how tenants can approach their neighbour if need be.
- Where this is not possible a Housing Manager will contact the other tenant to discuss the matter and ensure that the tenant has an opportunity to respond to any allegations made
- Tenants where necessary will be verbally reminded about their rights and responsibilities under the Tenancy Agreement. They will also be advised of any action that may be taken if complaints continue
- The tenant making the complaint will be advised to keep a diary detailing any disturbances or incidents that occur and to provide this information as evidence of any ongoing complaints.
- Both tenants will be provided with information on Mediation Services that are available to help tenants resolve disputes. Housing Managers will organise mediation if both tenants agree.
- For ongoing complaints, tenants will be issued with a warning letter, advising of the particular details of the tenancy agreement they are breaching and what action may occur if Mission Australia Housing continues to receive complaints
- For serious and ongoing complaints Mission Australia Housing may issue a Notice to Vacate (See Breach of Tenancy Policy 1.2.21)
- Where the complaint involves a criminal matter or there is a threat of danger Housing Managers will advise the tenant to contact the police immediately. Mission Australia Housing cannot investigate criminal matters.

Mediation Services

Mission Australia Housing supports and encourages tenants and neighbours who are in conflict to attend mediation if the problem cannot be resolved easily.

The Dispute Settlement Centre of Victoria (DSCV) provides “mediation services to help disputing parties talk through their issues and develop options for reaching an agreement.” Mediation sessions are conducted by impartial, trained mediators who help people to understand each other's point of view and to work together to reach an acceptable agreement.

Mediation can help neighbours resolve disputes around issues such as noise, pets, children, access, music levels and gardens.

1.2.17 Child Protection Policy

1. Purpose

This policy provides information about how Mission Australia Housing employees respond to any concerns regarding the welfare of children in the organisation.

2. Policy

Certain groups of people are required by law to report to the Victorian Child Protective Service if they suspect (using their professional judgment and training), that a child or young person is at risk of harm. A mandatory reporter is any person who delivers health care, welfare, education, children's services, residential services or law

enforcement wholly or partly to children (aged under 16) as part of their paid work and includes any person who directly manages or supervises such work.

Mission Australia Housing employees are mandatory reporters and therefore required to contact Victorian Child Protective Services if they have any concerns regarding any child less than 16 years of age. This includes children of tenants and applicants, or children who may be guests of a tenant.

3. Applicability

This policy and procedure applies to all employees of Mission Australia Housing - Victoria

4. Procedure

The welfare and safety of all children is of the utmost importance to Mission Australia Housing and therefore we will ensure that all staff:

- Receive appropriate training to be able to recognise the signs of abuse and neglect
- Have a good understanding, and be accepting of, different cultures and practices within Australia
- Know how to make a report to Victorian Child Protective Services
- Work with government agencies and community organisations where necessary to ensure the safety, welfare and wellbeing of all children and young persons residing in Mission Australia Housing properties
- Receive adequate supervision in the workplace.

Mission Australia Housing will contact the Victorian Child Protective Services under the following conditions:

- If an employee has concerns for the welfare of a child that is residing in a Mission Australia Housing property.
- If Mission Australia Housing has an order for possession of a property, and the tenant and children residing in the property have no other suitable accommodation to move to.
- If a tenant or child has requested support or intervention.
- If a child has disclosed to any Mission Australia Housing employee any abuse or neglect

Note: Mission Australia Housing staff members do not have any authority to investigate any matters relating to children at risk of harm, their role is to report it to Victorian Child Protective Services who may then choose to investigate the matter

1.2.18 Rental Fraud

1. Purpose

This policy aims to provide information to all stakeholders on what is considered rental fraud, the procedures that Mission Australia Housing undertake to investigate suspected cases of fraud and what happens to tenants who have committed rental fraud

2. Policy

Mission Australia Housing considers Rental Fraud to have occurred when:

- A tenant fails to provide full income details for all persons residing in their property
- A tenant deliberately provides false income details for themselves or their household
- Tenants do not notify Mission Australia Housing of changes to their household income within 28 days of changes occurring
- Tenants do not disclose full details of all their assets

If Mission Australia Housing becomes aware that a person has committed rental fraud, then their rental subsidy may be cancelled and the tenant will be required to pay the full market rent of the property. If the fraud is proven to be deliberate or ongoing, Mission Australia Housing may seek to end the tenancy at the Victorian Civil and Administrative Tribunal (VCAT)

3. Applicability

This policy and procedure applies to Mission Australia Housing - Victoria

4. Procedure

- Where there is suspected Rental Fraud, a Housing Manager will contact the tenant to arrange an interview to discuss the matter.
- Tenants will be advised of Mission Australia Housing's Rental Fraud Policy including details of any action that may be taken if rental fraud is proven
- In investigating rental fraud, Housing Managers may contact real estate agents, neighbours, the police, Centrelink, an employer or any other relevant person.
- Housing Managers will provide details to the tenant of any allegations made against the tenant, but will not provide information on the source of the allegation
- The tenant will be asked to clarify the situation and to provide full income details of all persons living in the property.
- They will also be required to sign a Tenant Declaration detailing the household composition and income.
- Tenants will be given the right to respond to any claims made of rental fraud and will be given adequate time to gather any required information such as income statements and statutory declarations.
- Tenants will be encouraged to bring support or a witness along to any interviews and will be provided with details of free tenancy advisory and legal services.
- Tenants will be advised of the outcome of any meetings or investigations by mail and will be given the opportunity to respond, or to ask for a review of the outcome
- Where Rental Fraud has been proven, the tenant will no longer be entitled to a rental subsidy and their rent will be increased to market rent.
- Tenants will be required to reapply for a rental subsidy by providing all income details and a completed tenant declaration.
- For serious matters where fraud has been proven to be deliberate and/or ongoing over an extensive period of time, Mission Australia Housing may issue the tenant with a Notice to Vacate and seek to end the tenancy at the Victorian Civil and Administrative Tribunal (VCAT). Tenants will be notified in writing of this and have the opportunity to present their case at the VCAT

1.2.19 Anti Social Behaviour

1. Purpose

This policy provides details of what Mission Australia considers Anti-Social Behaviour and how this behaviour is managed

2. Policy

The employees of Mission Australia Housing understand that matters relating to housing can be very stressful and that many tenants and applicants will at times be experiencing high levels of stress and vulnerability. These stresses may cause people to react in unfavourable ways and result in what Mission Australia Housing calls Anti-Social Behaviour. Anti-Social or Aggressive behaviour can include, but is not limited to:

- Verbally or physically abusing a Mission Australia Housing employee
- Making threats
- Deliberately damaging Mission Australia Housing property
- Intimidating or Harassing employees
- Racist and sexual harassment or abuse
- Written abuse

Mission Australia Housing employees are required to behave courteously towards all applicants and tenants and to provide the highest level of service possible. All staff will be expected to be understanding and empathic towards the needs of all tenants and applicants and will receive training in dealing with vulnerable and difficult clients.

In return Mission Australia Housing expects tenants and applicants to treat staff with respect. We will not tolerate aggressive or anti-social behaviour from applicants and tenants or their family and friends. This includes behaviour that occurs inside any Mission Australia office or behaviour towards staff outside the office and in any Mission Australia Housing property.

3. Applicability

This policy and procedure applies to Mission Australia Housing - Victoria

4. Procedure

Mission Australia Housing is committed to working with tenants to help modify any inappropriate behaviour and where it is appropriate staff may refer clients to appropriate support services or provide information to clients on support services that are available.

For minor incidences that occur either in the office or at a tenant's property, staff will advise the tenant (or applicant) that Mission Australia Housing does not tolerate anti-social behaviour towards staff members and will point out what behaviour is unacceptable. Tenants will also be advised that if the behaviour continues then any interview or meeting will be terminated. Details of any incidents will be recorded on the tenancy database and on the tenant's hard file for future reference. A letter may also be sent to the tenant regarding the incident.

If a tenant displays serious anti-social behaviour towards any member of staff and there are ongoing concerns regarding this behaviour, then one or more of the following may occur:

- The tenants file on the tenancy database will be labelled to clearly show all staff that the tenant is a potential risk (this will be done by the Senior Housing Manager only).
- Staff will not be permitted to visit the premises of the tenant alone
- In some instances staff will not be permitted to visit the premises at all
- Tenants or applicants will not be permitted to attend the office. If they do the police may be called.
- The police may be notified if the behaviour constitutes a criminal offence or if any staff member is in immediate or serious danger.
- Staff will limit all communication with the tenant to either a support worker or written communication
- For applicants, any serious or ongoing anti-social behaviour may result in the them being removed from the waiting list
- For tenants, any serious or ongoing anti-social behaviour may result in Mission Australia Housing issuing a Notice to Vacate and applying to the Victorian Civil and Administrative Tribunal (VCAT) for possession of the property.

1.2.20 End of Tenancy

1. Purpose

This policy details on ending tenancies at Mission Australia Housing in accordance with relevant Victorian Tenancy Legislation.

2. Policy

A tenancy with Mission Australia Housing may be ended either by a tenant or by Mission Australia Housing for a variety of reasons. Whatever the reason for a tenancy being ended, Mission Australia Housing aims to ensure that:

- All Notices to Vacate issued by Mission Australia Housing comply with legislation
- Tenants are provided with information and access to legal advice, support and interpreters
- Tenants are aware of their rights and responsibilities regarding ending tenancies
- Tenants are given adequate time to find alternate accommodation and remove their possessions from the premises
- Tenants are provided with details of the vacating procedure

3. Applicability

This policy and procedure applies to Mission Australia Housing – Victoria

4. Procedure

Tenants Ending Tenancy

Tenants who want to end their tenancy with Mission Australia Housing and hand back their property are required to give:

- 4 weeks written notice (28 days) to vacate their premises if they are on a continuing lease or a fixed term lease

Notices will need to be provided in writing to Mission Australia. In cases where a tenant is unable to give 4 weeks notice due to being offered a permanent public housing property or due to exceptional circumstances, they may be able to negotiate this with the Senior Housing Manager. Once Mission Australia Housing has received the notice to vacate from the tenant, a Housing Manager will contact the tenant to discuss the vacating procedure.

Mission Australia Housing Ending the Tenancy

We may seek to end a tenancy due to the following reasons:

- The property is a leasehold property and Mission Australia Housing have been given notice to vacate by the landlord
- The tenant is transferring to another property
- The tenant is in a short or medium term property with a fixed term lease
- The tenant is being housed through a support nomination or agreement and no longer requires support or is not adhering to the terms of the support agreement
- The tenant has breached their tenancy agreement
- Mission Australia Housing is required to carry out extensive maintenance to a property and must relocate the tenant

The landlord or their agent must use an official *Notice to Vacate to Tenant/s of Rented Premises* form to end a tenancy. Any Notice to Vacate that is issued by Mission Australia Housing will need to comply with relevant legislation and the appropriate time frames need to be given. A letter will be attached to the Notice explaining in detail the reasons for the notice being issued. Tenants will also be provided with contact details to access free tenancy and legal advice.

Once notice has been issued, a Housing Manager will contact the tenant to discuss the vacating procedure.

1.2.21 Breach of Duty

1. Purpose

This policy provides information on what constitutes a breach of tenancy (or duty) and how Mission Australia Housing will manage any breaches.

2. Policy

A breach of tenancy or duty occurs when a tenant does not adhere to one or more of the terms and conditions stipulated in the Residential Tenancy Agreement that they signed when their tenancy started. This breach can be caused by the tenant, a member of the household or a guest of the tenant or household member.

Breaches of tenancy can include (but are not limited to):

- Tenants not paying their rent in advance
- Tenants deliberately or negligently damaging their property

- Tenants making excessive noise on a regular or ongoing basis
- Tenants not allowing access to the landlord to carry out routine inspections
- Tenants making alterations to the property without the permission of the landlord.
- Tenants keeping animals without permission
- Using the premises for illegal purposes

Mission Australia Housing understands the importance of developing and maintaining secure, sustainable tenancies and aims to work with tenants to minimise the risk and reoccurrence of breaches of tenancy by:

- Informing tenants at the start of their tenancy about their rights and responsibilities under the Residential Tenancy Agreement
- Working with support agencies to help tenants manage their tenancies
- Notifying tenants early on, of any complaints received or breaches of tenancy
- Educating tenants on how to abide by the tenancy agreement
- Using Mediation Services where appropriate
- Obtaining a Compliance Order from the Victorian Civil and Administrative Tribunal
- Working with estates and blocks of units to develop community rapport.
- Advising tenants of Mission Australia Housing's good neighbour policy

3. Applicability

This policy and procedure applies to Mission Australia Housing - Victoria

4. Procedure

Where there has been a breach of tenancy by either a tenant or a guest of the tenant, the Housing Manager will contact the tenant immediately to discuss the matter and attempt to resolve the issue. By contacting the tenant immediately after a breach of tenancy has been discovered, Mission Australia Housing hopes to discourage further complaints or breaches of tenancy. Tenants will be given the opportunity to rectify their behaviour before any further action will be taken

For serious breaches of tenancy or where there are ongoing breaches, Mission Australia Housing may be required to issue a Notice to Vacate for Breach of Duty and apply to the Victorian Civil and Administrative Tribunal to have the matter heard.

1.2.22 Appeals Policy

1. Purpose

This policy details how Mission Australia Housing will manage the appeals process

2. Policy

If a tenant, applicant or ex-tenant believes that a decision made by Mission Australia Housing, including any employees, in relation to their tenancy was unfair or incorrect, they have the right to appeal against the decision. Mission Australia Housing welcomes tenant feedback and encourages tenants who disagree with a decision that was made, to lodge an appeal. The appeals process allows Mission Australia Housing

to grow as an organisation and hopefully to improve our services. Tenants will not be discriminated against or punished for lodging an appeal.

A tenant can appeal the following decisions that have been made in regards to their tenancy:

- How their rent was assessed
- Any action that Mission Australia Housing has taken due to an alleged breach of tenancy
- Any charges that have been added to your non-rent account that you disagree with
- A decision not to allow a tenant to keep pets or a decision made to have pets removed
- A decision not to allow an additional occupant to move into the property
- A decision not to reduce rent during an absence from a property, or when a request for an absence has been declined.

3. Applicability

This policy and procedure applies to Mission Australia Housing - Victoria

4. Procedure

Tenants can ask for a formal review of the decision made and will be given an Appeals form to complete along with information on Mission Australia Housing's Appeals Policy. The Appeal will be reviewed by either the Senior Housing Manager or the Executive Officer and a response will be given within 21 days of the appeal being lodged.

If an applicant is unhappy with the outcome of this appeal they have the option of appealing to the Board of Directors. The Board of Directors will review and respond to the appeal within 21 days of the appeal being lodged.

Note: Applicants must first appeal to either the Senior Housing Manager or the Executive Officer before the Board of Directors will review the appeal, unless the appeal is regarding a decision the Executive Officer has made.

If tenants are unhappy with the outcome of these internal appeals, they will be provided with information and contact details for the following external organisations who may be able to provide support or advice:

- The Ombudsman Victoria
- The Victorian Civil and Administrative Tribunal
- Consumer Affairs Victoria
- Equal Opportunity Commission

1.2.23 Complaints Policy

1. Purpose

This policy details how Mission Australia Housing will manage any complaints that it receives

2. Policy

If tenants are unhappy with any part of the service that Mission Australia Housing provides or the service a staff member has provided, we would like to know about it so that we can attempt to resolve the matter and improve the services we provide to tenants.

Tenants will not be discriminated against or punished for lodging a complaint and complaints can be lodged anonymously.

3. Applicability

This policy is applicable to Mission Australia Housing – Victoria

4. Procedure

If the tenant is unhappy with the way they have been treated by a Mission Australia Housing employee, they are encouraged to first discuss the matter with the employee, to see if the matter can be resolved. If the tenant is not comfortable doing this, or they would like to complain about a service that the organisation provides, they will be provided with a complaints form to fill in and return to the office.

The complaints form can be anonymous or, if the tenant would like either a response or an opportunity to discuss the matter in person then they will need to put their name and contact details on the form. The complaint will be reviewed by the Senior Housing Manager or the Executive Officer and where contact details have been left, a response will be given within 21 days of the form being lodged. Where necessary or appropriate the tenant will be contacted to come into the office to discuss the matter. A letter will be sent detailing any action that Mission Australia Housing has taken or will be taking in regards to the complaint.

If tenants are unhappy with the outcomes of any internal complaints process, they will be provided with information and contact details for the following external organisations who may be able to provide support or advice:

- The Ombudsman Victoria
- The Victorian Civil and Administrative Tribunal
- Consumer Affairs Victoria
- Equal Opportunity Commission

