

# Ending tenancies

## Vacating a property

Policy section: 1.0

Section name: Ending tenancies

Policy: 1.4.2

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## 1 Purpose

- 1.1 To outline the responsibilities of Mission Australia Housing (MAH) staff who coordinate and oversee the vacation of tenants from properties owned or managed by MAH.
- 1.2 To outline the obligations and responsibilities of tenants who vacate their property.
- 1.3 To outline the processes that MAH applies in order to minimise any financial risks for MAH where tenants vacate their property.
- 1.4 To outline requirements relating to the condition of properties that have been vacated and follow up actions MAH may take where these requirements have not been met.

## 2 Related policies

- 2.1 This policy should be read in conjunction with the:
  - 2.1.1 [Ending Tenancies Policy](#), which outlines responsibilities of staff involved in managing and ending tenancies.

## 3 Scope

This policy applies to staff responsible for managing tenants and properties of MAH.

## 4 Guiding principles

- 4.1 Tenants are given clear information about their rights, roles and responsibilities at all stages of their tenancy
- 4.2 Staff are enabled to implement a consistent best practice approach to supporting tenants to vacate from their property.
- 4.3 The vacating processes of MAH fully uphold the legislative requirements of all operating states.
- 4.4 Tenants are assisted to access support and assistance wherever required or requested in order to vacate from their property and/or access alternative accommodation in the community.
- 4.5 Wherever possible, tenancy management issues are resolved in the best interests of tenants and MAH.
- 4.6 The record keeping practices of MAH ensure accountability and transparency.

## 5 Policy

- 5.1 Before a property is vacated, MAH or tenants must provide notice of intention to end a tenancy. Action may be taken under the [Abandoned Properties and Goods Policy](#) where tenants leave their property, either temporarily or permanently, without providing MAH with appropriate notice.
- 5.2 Once MAH has been served a notice from a tenant or has issued a notice to end a tenancy, staff will ensure that tenants understand expectations relating to the condition of their property as per [5.3](#) and [5.4](#) and any follow up actions that may be taken where they fail to meet these expectations as per [5.5](#).
- 5.3 Tenants will be required to leave their property in the condition that it was in at the start of their tenancy (fair wear and tear excluded) and wherever possible staff will work with them, and where applicable their supports, in order to rectify any issues at their property before a tenancy ends.
- 5.4 Tenants will be required to return their property keys where they vacate their property, including any keys that were created during their tenancy as per the [Keys Policy](#).
- 5.5 Staff may take action under the [Debt Management Policy](#) and/or [Arrears Management Policy](#) where tenants:
  - Vacate their property without attending to maintenance issues that have been identified at their property
  - Fail to return their property keys
  - Fail to rectify their arrears.

**Note:** Where tenants fail to return their keys, MAH may charge them rent until their keys have been returned to MAH.

- 5.6 Staff will provide tenants with information on relevant independent legal, tenancy and support services wherever required, requested or consented to as per the [Privacy and Confidentiality Policy](#).
- 5.7 Where required and/or appropriate, staff will assist tenants to identify and relocate to alternative accommodation.
- 5.8 Staff will inform tenants of their right to complain about the services of MAH and to appeal organisational decisions relating to their property and/or tenancy as per the [Complaints Policy](#) and [Appeals Policy](#).
- 5.9 Staff will develop and keep within the tenancy management system:
- 5.10 Records of the condition of properties that have been vacated
- 5.11 Records of any tenancy management issues involving tenants who will vacate or have vacated from their property.

## 6 Definitions

**Vacating a property:** a property has been legally vacated if:

- An appropriate notice has been issued to a tenant or has been received by MAH
- A tenant gives up possession of their property and removes their belongings from the premises at the end of a notice period
- A state based order has been made declaring a property legally vacated.

When a tenant leaves their property without providing appropriate notice, they have not legally vacated their property and have instead abandoned it.

Staff will refer to the [Ending Tenancies Policy](#) for applicable state based notice periods.