

Establishing and maintaining tenancies

Breach of tenancy policy

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Section name: Establishing and maintaining tenancies

Document name	Breach of tenancy
Applicability	Mission Australia Housing
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1 Purpose

- 1.1 To explain why Mission Australia Housing (MAH) may issue a notice for **breach of tenancy**.
- 1.2 To outline requirements for staff involved in issuing notices for breach of tenancy.
- 1.3 To outline how MAH manages tenants who receive a notice for breach of tenancy and subsequent actions that maybe taken where a breach is not rectified.

2 Related policies

- 2.1 This policy should be read in conjunction with the:
 - 2.1.1 Referrals to Agencies Policy, which details the approach taken by MAH to assist applicants and tenants with specific needs or tenancy management issues to establish a connection to support services.
 - 2.1.2 Ending Lease and Rooming Accommodation Agreements Policy, which outlines the requirements and processes for ending tenancies at MAH.

3 Scope

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

4 Guiding principles

- 4.1 MAH encourages a consistent approach to managing breaches of tenancy in all operating states.
- 4.2 MAH adheres to the requirements of residential tenancy and rooming accommodation legislation wherever a notice for breach of tenancy is issued.
- 4.3 MAH works with tenants requiring additional support to sustain their tenancy wherever appropriate.
- 4.4 MAH takes action to prevent breaches of tenancy in order to create safe and sustainable communities.
- 4.5 Tenants are given opportunities to appeal organisational decisions and to complain about the services of MAH.
- 4.6 MAH upholds accountability and transparency through its record keeping practices.

5 Policy

5.1 MAH has a consistent rationale and process for issuing tenants with a notice for breach of tenancy. Wherever a tenant fails to abide by the terms of the lease or rooming accommodation agreement that they signed upon accepting their property, staff will inform them in writing. Actions that may result in the issuing of a notice of breach of tenancy include:

- Anti-social behaviour toward property, staff and other tenants as per the [Anti-Social Behaviour Policy](#)
- Disturbing the right of neighbours to live in reasonable peace, privacy and security as per the [Good Neighbour Policy](#)
- Using a property in a manner which is not permitted under residential tenancy and rooming accommodation legislation as per the [Managing Hoarding and Squalor Policy](#)
- Obstructing access to a property after a request has been made by staff as per the [Routine Inspections Policy](#)
- Failing to inform MAH of changes to income and household composition as per the [Rental Fraud Policy](#) and [Additional and Unauthorised Occupants Policy](#)
- Rent and non-rent debts, such as debts resulting from rent arrears and property damage as per the [Arrears Management](#) and [Debt Management Policy](#)
- Making changes to a property or keeping pets at a property without the approval of MAH as per the [Making Changes to Property Policy](#) and [Pets Policy](#)

- 5.2 Tenants will be issued a notice for any breaches of tenancy that have been caused by their household members and visitors and tenants will face any associated consequences as per the [Visitors Policy](#).
- 5.3 Tenants who receive a notice for breach of tenancy may be required to rectify the situation that has caused them to receive a notice within a specific timeframe.
- 5.4 Staff will, where required, provide tenancy information and make referrals to relevant support services where tenants request support to comply with the terms of their lease or rooming accommodation agreement as per the [Referral to Agencies Policy](#).
- 5.5 Where a tenant has failed to rectify a situation after they have received a notice for breach of tenancy, depending on the nature of the breach and their tenancy history, they may be given a subsequent notice or be given notice to end their tenancy as per the [Ending Lease and Rooming Accommodation Agreements Policy](#). MAH may also commence state based civil proceedings where required as per the [Orders and Warrants Policy](#).
- 5.6 MAH reserves the right to monitor the progress of tenants who have been requested to rectify a breach, including where required through accessing their property. This applies particularly where a breach has involved damage to or inappropriate use of a property.
- 5.7 Tenants will be informed of their right to complain about the services of MAH and to appeal organisational decisions as per the [Appeals and Complaints Policy](#).
- 5.8 Staff will store records of any breaches of tenancy involving tenants and properties of MAH in the tenancy management system.

6 Definitions

Breach of tenancy: a breach of tenancy occurs where a tenant, household member, or visitor, fails to comply with one or more of the terms the tenant agreed to abide by in the lease or rooming accommodation agreement they signed at the start of their tenancy.