

Policy name	Breach of Tenancy
Policy date	August 2020
Authorisation	General Manager, Operations
Policy owner	National Manager, Housing Services
Policy type	Mission Australia Housing Operational Policy
Policy setting	

1 Purpose

1.1 Overview

- 1.1.1 This policy sets out the principles to be followed in managing breaches of tenancy by tenants' of Mission Australia Housing (MAH).

1.2 Coverage

- 1.2.1 This document is a national policy and covers both Mission Australia Housing (MAH) and Mission Australia Housing Victoria (MAHV). All references to Mission Australia Housing, MAH and Housing include both MAH and MAHV unless specifically stated otherwise. Where state based variations exist in policies and procedures, these will be identified in the document.
- 1.2.2 This policy applies to all forms of housing provided by MAH including social, affordable and transitional housing.

1.3 Information on procedures and other related policies

- 1.3.1 This policy focuses on why certain things need to be done. It is supported by procedures that provide more detail on the "what" to do.
- 1.3.2 Other MAH policies also need to be considered in managing breaches of tenancy. To assist you, these are identified where relevant in this policy and supporting procedures.

2 Scope

2.1 Parts of Mission Australia that this policy covers

- 2.1.1 This policy applies to MAH staff responsible for working with MAH clients, tenants and properties.

2.2 Definitions

2.2.1 Key terms used in this policy are defined in the following table.

Term	Definition
Anti-social behaviour	Behaviour which violates the right of another person to security and peace. These behaviours range from nuisance to criminal conduct.
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.

3 Policy

3.1 Guiding principles

3.1.1 MAH is focused on the needs of tenants and their families:

- MAH works with tenants requiring additional support to sustain their tenancy wherever appropriate.
- MAH takes action to prevent breaches of tenancy in order to create safe and sustainable communities.

3.1.2 MAH protects the value of assets under its management:

- Proactive management of breaches reduces the risk of damage to property and people.

3.1.3 The MAH process for managing breaches of tenancy is fair and transparent:

- MAH encourages a consistent approach to managing breaches of tenancy in all operating states.
- The basis for decisions is explained to tenants, who are given an opportunity to respond.
- MAH upholds accountability and transparency through its record keeping practices.
- Tenants are given the opportunity to appeal organisational decisions in order to ensure fair and transparent outcomes.

3.1.4 The MAH process complies with relevant laws and procedures:

- MAH adheres to the requirements of residential tenancy and rooming accommodation legislation wherever a notice for breach of tenancy is issued.

3.2 General approach

3.2.1 MAH has a consistent rationale and process for issuing tenants with a notice for breach of tenancy, which is intended to:

- Assist tenants to understand and comply with the terms of their lease;
- Ensure the protection of MAH properties; and
- Protect staff and other tenants.

3.2.2 Where MAH concludes that a tenant has failed 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 of the breach. Actions that may result in the issuing of a notice of breach of tenancy include:

- Anti-social behaviour towards 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;
- Using a property in a manner which is not permitted under residential tenancy and rooming accommodation legislation;
- Obstructing access to a property;
- Failing to inform MAH of changes to income and household composition as per the **Rents, Bonds and Other Charges Policy** and **Occupancy Policy**;
- Rent and non-rent debts, such as debts resulting from rent arrears or property damage as per the **Arrears Management Policy**; and/or
- Making changes to a property or keeping pets at a property without the approval of MAH.

3.3 Tenant responsibility for household members and visitors

3.3.1 Tenants are responsible for their own actions, and that of their household members and visitors. They will be issued a notice for any breaches of tenancy that have been caused by their household members and/or visitors, and will face any associated consequences in line with relevant State based Tenancy Legislation.

3.4 Rectification

3.4.1 Tenants who receive a notice for a breach of tenancy may be required to rectify the situation that led to the notice within a specific timeframe.

3.4.2 Where required, staff will 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.

- 3.4.3 MAH reserves the right to monitor the progress of tenants who have been requested to rectify a breach, including accessing their property where required. This applies particularly where a breach involves damage to or inappropriate use of a property.

3.5 Termination of tenancy

- 3.5.1 For serious breaches, or where a tenant has failed to rectify a situation following receipt of a notice for breach, tenants may be given notice to end their tenancy as per the **Ending Tenancies Policy**. MAH may also commence state-based civil proceedings where required.

3.6 Appeals

- 3.6.1 Staff will inform tenants of their right to appeal organisational decisions and to complain about the services of MAH as per the **Appeals and Complaints Policy**.

3.7 Record keeping

- 3.7.1 Staff will store records of any breaches of tenancy involving tenants and properties of MAH in the tenancy management system.

4 Responsibilities

4.1 Housing staff including Housing Officers and Client Service Officers are responsible for:

- Informing tenants of their rights and responsibilities in accordance with this policy.
- Keeping records of the process in the relevant systems.
- Recommending improvements to this policy and associated procedures.

4.2 Team Leaders/Regional Managers are responsible for:

- Assisting housing staff to implement this policy.
- Ensuring good management of evidence in the tenancy management system.
- Incorporating this policy and associated procedures into staff induction and training.
- Ensuring staff are aware of and have access to this policy and associated procedures.
- Escalating feedback about this policy to the policy owner and/or policy writer.

4.3 The National Manager, Housing Services is responsible for:

- Ensuring that MAH complies with this policy and associated procedures.
- Recommending any changes to this policy and associated procedures.