BUNGREE ABORIGINAL ASSOCIATION - HOUSING SERVICES

Tenancy Management Policy (Ending a Tenancy)

OVERVIEW

As one of the largest Aboriginal providers of housing on the Central Coast in NSW, Bungree Aboriginal Association ('Bungree') has been providing social housing since 1995 and affordable housing since 2018 as a registered Aboriginal Community Housing Provider with the NSW Aboriginal Housing Office. Since 2015, Bungree has been registered as a Community Housing Provider under the National Regulatory System for Community Housing.

When a tenancy ends Bungree will comply with the rights and obligations of a landlord in accordance with the NSW Residential Tenancies Act 2010, the Residential Tenancy Agreement and the associated policies of Bungree. It is also expected that tenants will comply with the terms of their tenancy arrangement.

This policy addresses the circumstance of how Bungree may end a tenancy, how tenants are to end a tenancy and also outlines the obligations of the housing provider and tenant when the tenancy ends.

SCOPE

This policy applies to all tenants of Bungree owned and managed housing.

REASONS FOR ENDING A TENANCY

Both the tenant and Bungree can end a tenancy, however, there are specific procedures that must be followed to ensure compliance with legislation.

As an example Bungree may end a tenancy when:

- A tenant is relocated or transferred
- A tenant is no longer eligible for Bungree social or affordable housing
- An Order of Possession has been obtained through the NSW Civil and Administrative Tribunal
- The house has been abandoned.

A tenant may end a tenancy at any time as long as they provide the correct period of notice.

NOTICE PERIOD

All tenants are required to give notice of their intent to vacate. Generally, the notice period for a Bungree tenancy is 21 days. The notice must be given in writing and addressed to the Housing Officer Bungree Aboriginal Association. A tenant may also withdraw their notice during the 21-day period.

ENDING A TENANCY WHEN A BREACH HAS OCCURRED

In the event that a breach of tenancy has occurred tenants will be advised in writing. Bungree will provide all possible support and assistance to a tenant so that they may comply with their tenancy responsibilities.

For serious matters where the tenant does not rectify the problem (as an example continuous rental arrears, anti social behaviour, running a business from a social housing premises) Bungree will proceed with action to terminate the agreement and possession of the premises. Bungree will do this by requesting a hearing with the NSW Civil and Administrative Tribunal.

RELINQUISHING A TENANCY

A tenant can or may be asked to relinquish their tenancy. This may be when a tenant has entered into long term care, an extended period of incarceration or is unable to meet the obligations of a tenancy.

ABANDONMENT

Where a tenant has abandoned the property Bungree can apply to the NSW Civil and Administrative Tribunal declaring that the premises have been abandoned and request permission to change the locks.

PRE-VACATION INSPECTION

Once a tenant has provided notice to end the tenancy Bungree housing staff will conduct a pre-vacation inspection. The purpose of this is to discuss any repairs and maintenance issues. The results of the inspection will be provided to the tenant in writing within 7 days and will assist the tenant to understand what is required prior to handing the property over.

It is the responsibility of the tenant to make sure that all rubbish has been removed and that gardens and lawns are in acceptable condition. If you require access to equipment to care for the front and backyard, you should contact Bungree for assistance.

FORMER TENANTS

All tenants must ensure that they have no outstanding debts or arrears when they end a tenancy. Failure to do so may impact on the return of a tenants bond.

RENTAL REFERENCES

A tenant will receive a reference at the end of a tenancy when:

- The tenant has a consistent record of rent payment
- There is no history of anti social behaviour or no proven complaints regarding the tenancy.
- Notice has been given
- The house ha been left in acceptable condition
- Keys have been returned.

RETURNING THE KEYS

When a tenant has moved all items out of the house and it is left in a clean condition the tenant is to return the keys.

The tenant will be asked to sign the key register as a receipt that the keys have been returned. Any lost keys are the responsibility of the tenant.

Where a tenant may have moved out of the house and some items remain, the tenant is to contact Bungree to negotiate a timeframe for all items to be removed.

RETURN OF BOND

Once Bungree has completed the final inspection of the house, keys are returned and there are no outstanding payments required Bungree will submit the paperwork required to the NSW Department of Fair Trading to have the tenant bond returned.

If there are any outstanding debts owed, Bungree may make application to the NSW Civil and Administrative Tribunal to have the matter heard and request that the tenant bond be awarded to Bungree for payment of outstanding debt.

APPEAL AND COMPLAINTS

Every tenant has the right to appeal a decision made by Bungree in relation to this policy. Please see Bungree Appeals and Complaints policy.

Where a tenant is not satisfied with the outcome of that complaint they are able to contact the NSW Housing Appeal Committee (HAC) to request a 1st Tier Appeal. HAC can be contacted via Bungree housing or by calling 1800 629 794.

Where a tenant is not satisfied with the outcome of the HAC they have the ability to request a hearing with the NSW Civil and Administrative Tribunal (NCAT). NCAT can be contacted **here.**

Relevant legislation, regulations or standards

- NSW Residential Tenancies Act 2010
- NSW Residential Tenancies Regulations 2010
- NSW Companion Animals Act 1998
- NSW Companion Animals Regulations 2008

Related documents

- Policy: Appeals and Complaints Policy
- Housing Appeals Committee (HAC)
- NSW Civil and Administrative Tribunal

INFORMATION	
Title	Tenancy Management Policy (Ending)
Section	Housing Services
National Regulatory Code Evidence Guideline	Performance Outcome 1: Tenant and Housing Services
National Community Housing Standard	Standard 1.2 Establishing and maintaining tenancies
Last review	20/10/2019
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