

# Breaches and Termination Policy

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### Approval

Policy owner: Executive Manager, Specialist Community Services

Business Unit: Housing Plus

Approved by: Executive Manager, Specialist Community Services

Date approved: 30/09/2020

Review date: 30/09/2022

### 1. Purpose

1. The purpose of this policy is to outline the management of breaches and termination of SVDPWA Housing Plus (HGP) tenant's accommodation agreements in SVDPWA owned or managed premises.

### 2. Scope

1. This is a Specialist Community Services (SCS) policy, applicable to all staff, volunteers and tenants/residents residing within or accessing the following SCS services;
  - Housing Plus (HGP)

### 3. Policy principles

1. HGP aims to preserve the financial sustainability of SVDPPWA owned or managed properties in providing services to people in need.
2. HGP endeavours to uphold the rights of tenants and persons in the immediate vicinity to quiet enjoyment of premises they are occupying.
3. HGP is committed to communicating its management practices in relation to disruptive, dangerous or illegal activities and complaints received relating to the SVDPPWA owned or managed premises.
4. HGP undertakes to support tenants to address behaviours of concern and ultimately sustain their accommodation; with termination of accommodation agreement as a last resort.
5. HGP manages any tenancy complaints or breaches in a fair and transparent manner considering the principles of natural justice including providing tenants/residents with the opportunity for appeal.
6. HGP investigates, monitors and responds to tenancy complaints and disruptive behaviour received in writing relating to SVDPPWAs owned or managed premises by tenants in a fair, transparent and efficient manner.
7. HGP ensures the rights of the tenants/residents during the investigation process including privacy; and natural justice will be observed throughout the process of dealing with a complaint/breach.
8. HGP is committed to investigating and managing tenancy complaints or disruptive behaviour on a case by case basis, considering the individual circumstances of the tenant involved, including cultural obligations and ability to control complaints/disruptions.
9. HGP ensures tenants have a right of response to all tenancy complaints and are provided with details of the tenancy complaints/disruptions while respecting the privacy of the complainant.
10. HGP is committed to assisting tenants to retain their accommodation and work alongside their support agency to put support strategies in place.
11. HGP is committed to ensuring when tenancy complaints/disruptive behaviours arise support is provided to the tenant alongside their support workers to address the underlying behaviours of concern.
12. HGP ensures that termination of an accommodation agreement is a last resort if remedial support strategies have been exhausted, non-engagement of tenant in support strategies occurs or, there is disruptive/dangerous behaviour which risks the health and safety of a person living in the vicinity of the premises or other stakeholders.
13. HGP requires that all tenancy complaints or records of disruptive behaviour are required in writing with the dates/time and description of the incident unless otherwise approved by the Service Manager.

### 4. Roles and responsibilities

1. The Manager, Housing Plus is responsible for maintaining the currency of this policy.
2. Society representatives are required to adhere to this policy. Failure to comply may be considered a breach of our policies and may result in disciplinary action.

### 5. Review

1. This policy will be reviewed at least every two years, after consultation. Some circumstances may trigger an early review; this includes but is not limited to legislative changes, organisational changes, incident outcomes and other matters deemed appropriate by SCS Management Team or the Executive Manager SCS.

## 6. Further assistance

1. Society personnel should speak with their Manager regarding any questions about the implementation of this policy.

## 7. References

References made in this policy are:

1. There are no references.

## 8. Related documents and legislation

Related documents and legislation at the time of approval include:

1. A Better Way Report 2013, *Equal Opportunity Commission, Government of Western Australia*
2. Form 1A Notice of Termination for Non-payment of rent, *Department of Mines, Industry, Regulation and Safety, Western Australia*
3. Form 1B Notice of Termination for Non-payment of rent, *Department of Mines, Industry, Regulation and Safety, Western Australia*
4. Form 1C Notice of Termination, *Department of Mines, Industry, Regulation and Safety, Western Australia*
5. Disruptive Behaviour Management, *Housing Authority, Government of Western Australia*
6. Housing Assets Rental Policy 2020, *Housing Authority, Government of Western Australia*
7. Residential Tenancies Act 1987, *Department of Mines, Industry, Regulation and Safety, Western Australia*
8. Residential Tenancies (COVID-19 Response) Act 2020, *Department of Mines, Industry, Regulation and Safety, Western Australia*
9. HGP-PR-4113 Tenancy Complaint Management Procedure
10. SCS-PP-4001 Continuous Improvement Policy
11. HGP-PR-4098 Client Contact Procedure
12. HGP-PP-4072 Housing Policy
13. HGP-PR-4071 Critical Incident Procedure
14. SCS-PP-4048 Critical Incident Management Policy
15. HGP-PP-4070 Department of Communities Notification Policy
16. Complaint Management Framework for Community Housing Providers 2016, NSW Federation of Housing Associations Inc and Registrar Community Housing
17. HGP-PR-4091 Complaints and Appeal Procedure
18. SCS-PP-4004 Compliments, Complaints and Appeals Policy
19. HGP-FM-#### Licence to Occupy
20. HGP-FM-#### Licence to Occupy- Schedule 3: Lodging House Rules
21. SCS-FM-#### Tenancy Support Plan

## 9. Approval and amendment history

Version	Approval authority	Date	Amendment summary
1.0	EM, SCS	30/09/2020	Initial version
1.1	EM, SCS	01/12/2020	<ul style="list-style-type: none"><li>• Conversion to new template</li><li>• Separation of procedure to new template HGP-PR-4137</li></ul>

## 10. Definitions

Term	Definition
Accommodation Agreement	Collective name for Residential Tenancy Agreement and License to Occupy Agreement
Breach	When a tenant breaks (breaches) the terms and conditions outlined in their Accommodation Agreement.
Dangerous Behaviour	Activities conducted by a tenant that intentionally or recklessly risks the safety or security of another tenant or property; or have resulted in injury to a person in the immediate vicinity or sharing the accommodation regardless of Police charges/convictions.
Disruptive behaviour and/or harassment	Activities conducted by a tenant that cause a nuisance, or unreasonable disruption to the peace, privacy or comfort of persons in the immediate vicinity of the property or other tenants/residents.
Residential Tenancy Agreement	The tenancy agreement used by the Society for Housing Plus, (not including our share houses) which is compliant with the Residential Tenancies Act 1987.
Serious disruptive behaviour	Activities conducted by a tenant that intentionally or recklessly cause disturbance to persons in the immediate vicinity of the premises or other tenants (if applicable) or which could reasonably be expected to cause concern for the safety or security of a person.
Tenancy Complaint	A complaint or issue raised by tenants/residents, neighbours, community members, housemates about HGP tenants/residents. These issues can include noise, anti-social behaviours and vandalism and are not considered complaints as they do not relate to dissatisfaction of HGP services. They can however become complaints if the complainant is not satisfied with how HGP manages the issue ( <i>Complaint Management Framework for Community Housing Providers, Definitions, Page 10 NSW Federation of Housing Associations Inc and Registrar Community Housing, 2016</i> ).
Tenant	A person granted right of occupancy of a residential premises in accommodation managed by SVDPWAs Housing Plus under a Residential Tenancy Agreement as per Residential Tenancies Act 1987 (WA). Also referred to as clients/consumers in other SVDPWA policy and procedures.
Termination of Accommodation	The withdrawal of SVDPWA from its obligations as a party to a Residential Tenancy Agreement or Licence to Occupy resulting in the tenant/resident being evicted from the occupied premises whether immediately or after a defined period.