

### POLICY 1.8 ENDING A TENANCY

#### OVERVIEW

This policy explains how a tenancy can end.

It applies to all residents in ILV properties and all tenancies managed by ILV (we, us, our).

#### WORD LIST

**Tenancy Agreement:** A tenancy agreement (also known as a lease) is a legally binding, written agreement between a tenant (or their authorised representative) and a property manager/owner. This functions as the Service Agreement between ILV (SDA Provider) and the NDIS Participant in SDA Properties.

**Tenant:** Person living in an ILV property who signed the Tenancy Agreement with ILV (or the Tenancy Agreement was signed on their behalf by an authorised representative).

#### POLICY

Residents in our properties sign a Tenancy Agreement.

A Tenancy Agreement is a legally binding agreement that can only be ended in certain ways.

A tenancy can be ended by us (Landlord) or you (Tenant).

This policy covers:

- If ILV ends the tenancy (Landlord ends tenancy)
  - Why would we end a tenancy?
- If you want to end the tenancy (Tenant ends tenancy)
- Moving out
  - When you need to move out
  - End of tenancy cleaning and repairs
  - Final accounts

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#### WE END THE TENANCY (LANDLORD)

We will comply with all relevant laws if we need to end a tenancy.

We may give you notice to end a tenancy.

The notice is a written document (signed and dated) that includes:

- The address of the property; and
- The day the Tenancy Agreement ends (is terminated); and
- The reasons for ending the Tenancy Agreement (termination)

You need to move out by the termination date.

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# Independent Living Villages Ltd And Controlled Entities (ILV)



The amount of notice we give will vary depending on the type of tenancy.

In general, we will give 90 days' notice. There may be specific circumstances where we give shorter notice

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## WHY WOULD WE END A TENANCY?

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### YOU HAVE BROKEN THE RULES IN THE TENANCY AGREEMENT

You (or your representative) signed a Tenancy Agreement. This includes things you need to do (responsibilities)

Before we give you notice to end a tenancy on these grounds, we will:

- Meet with you, your support service providers, Support Coordinator and/or family/guardian to discuss what we can do to help you remain in the property e.g. additional support you may need
- Write to you about the issues and what you need to do.

We may terminate a tenancy where you have:

- Broken the rules more than once, we have discussed the situation and tried to address the problem
- You have been violent towards other people
- You have seriously damaged the property

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### YOU HAVE NOT PAID YOUR RENT

We will work with you to find out the reasons and what we can do to help.

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### YOU ARE ISSUED WITH APPREHENDED VIOLENCE ORDER (AVO)

We will give a notice of termination immediately if you are issued with an AVO that stops you from entering the property.

Other people can continue living at the property if they are an SDA resident in an SDA property (they have their own Tenancy Agreement)

### A RESIDENT DIES

When a resident dies, we will issue a notice of termination to the executor, or the person responsible for the deceased's estate, seeking vacant possession.

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### YOU ARE NO LONGER ELIGIBLE

Some tenancies are limited to people who meet certain criteria.

For example, our SDA properties are designed for people with significant disabilities. Generally, residents will be NDIS participants with funding for SDA in their plans.

We may end a tenancy if you no longer meet the criteria for the type of housing you live in.

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## YOU ABANDON THE PROPERTY

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If we think you have abandoned your property (left your property without telling us), we will inspect the property, make enquiries and/or put up a notice at the property asking you to contact us within 14 days.

If we feel the property is abandoned, we can apply to the tenancy tribunal to get possession.

We may also seek compensation at the tenancy tribunal for loss of rental income and property damage and cleaning costs (including removal of goods).

## WE NEED TO GIVE THE PROPERTY BACK TO THE OWNER

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We lease and rent some of our properties.

The owner may want the property back at the end of the lease term or they want it back because they plan to sell the property.

## YOU USE THE PROPERTY FOR AN ILLEGAL PURPOSE

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If you use the property for an illegal purpose, we may terminate the tenancy. We may give less than 90 days' notice.

## WE CAN NO LONGER SUPPORT YOU IN THAT PROPERTY

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We may end the tenancy if the property is no longer suitable for your needs and you cannot be supported without serious risk of harm to you, staff or other residents.

Before we give notice on these grounds, we will consider if we can modify the property.

We may give less than 90 days' notice.

## YOU END THE TENANCY

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You must tell us (in writing) if you want to end your tenancy.

The resident tenancy laws outline how much notice you need to give (how long before you want to leave you need to tell us).

The amount of notice you need will vary depending on the type of tenancy. SDA Residents need to give 60 days' notice.

We may accept a shorter notice period.

We may charge a break fee in some circumstances.

If you end a tenancy and there are others living in the property, we will consider their circumstances and decide if they can stay living there or if they need to move out.

You may end the tenancy with a shorter notice in some circumstances.

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You can end your tenancy immediately, without penalty, if you or a dependent child are in circumstances of domestic violence.

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## MOVING OUT

You need to move out by the date the tenancy is terminated.

If you do not move out by that date, we will take action in the Tenancy Tribunal (seek an Order for Termination).

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## END OF TENANCY CLEANING AND REPAIRS

You are responsible for returning the property in the condition that it was in at the start of the tenancy (apart from fair wear and tear).

We will inspect the property at the end of the tenancy. We will speak to you if there is any damage, cleaning issues, or unauthorised changes to the property.

We will give you a chance to fix any issues or clean the property.

If you don't fix the issues, we will organise to do the work and charge you the cost.

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## FINAL ACCOUNTS

We will charge rent up to:

- The date of notice (if you move out by the notice date) **or**
- The date we get possession of the property if you move out and do not return the keys/access cards etc by the agreed date **or**
- The date we get possession (if you leave without giving notice) **or**
- The date of eviction.

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## MONEY OWED AT THE END OF A TENANCY

If you move out and owe us more than \$1,000 for rent, board or the cost of end of tenancy cleaning or repairs, we may apply to the Tenancy Tribunal for an order for compensation or take legal action.

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## GOODS LEFT ON THE PROPERTY

We will comply with all legal requirements in relation to anything you leave at the property.

We will:

- Inspect the property, take photos, and complete an outgoing property condition report
- Remove and dispose of any perishable goods including foodstuffs and rubbish
- Make a detailed inventory of the goods left and the condition of those goods (inventory report)
- Take photographs of the goods, particularly if they are of high value.

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We will try to contact you (by phone, email and/or writing to you at your forwarding address) and let you know:

- You need to collect your goods within 14 days, or we will get rid of them (dispose)
- You need to collect any personal documents within 90 days or we will get rid of them (dispose). Personal documents include:
  - A birth certificate, passport or other identity document
  - Bank books or other financial statements or documents
  - Photographs and other personal memorabilia
  - Licenses or other documents granting authorities, rights or qualifications.

We will dispose of goods in ways allowed by law.

We may sell goods, give them to charity or throw away. If the goods are hired, we will contact the company who owns them and arrange for them to collect the goods. We will not give or sell any goods to an employee of ILV or their relatives, friends, or agents.

We may send any personal documents back to the organisation who issued them or place them on your file. We will not dispose in a way that discloses any of your personal information.

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## IF YOU ARE NOT HAPPY WITH OUR DECISION ABOUT ENDING YOUR TENANCY

If you are not happy with the decision/s we make about your ending a tenancy:

- Speak to our staff about why we made that decision
- You may be able to ask for a review of the decision ( Refer to ILV Policy 1.4 Appeals)

## RELATED POLICIES, LEGISLATION OR OTHER RESOURCES

### Legislation and Guidelines

- Applicable tenancy legislation
  - Residential Tenancy Act 2010 (NSW)
  - Residential Tenancies Regulation 2019 (NSW)

### Policies

- ILV Policy 1.4 Appeals
- ILV Policy 1.20 Damage to Property (Tenant Repair Charge)

### Resources

- Tenanthelp [Tenanthelp.com.au](http://Tenanthelp.com.au) (State specific information for tenants)
- Disability Housing Information line 1800 843 929 or email [housinginfo@pwd.org.au](mailto:housinginfo@pwd.org.au) Information for people living in SDA properties and their supporters

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