

POLICY 1.17 DEBTS (IN ARREARS)

OVERVIEW

This policy outlines how ILV (we, us, our) will work with you if you owe us money (you have debts relating to your rent, board or other expenses).

This policy applies to all residents living in ILV properties and all tenancies managed by ILV.

WORD LIST

Board: Payment for the cost of gas, water, electricity and internet in a property where there are no separate meters for these services.

Tenancy Tribunal: An independent body which deals with certain kinds of disputes between landlords and tenants.

In NSW it is the NSW Civil and Administrative Tribunal.

POLICY

We understand you have a lot of things to pay including costs relating to where you live (rent, Board, other charges), your support services, your food, and going out.

But it is important you pay your rent and Board on time (you have a legal obligation to pay).

This policy covers:

- What to do if you are in debt
- What happens if you do not repay your debt
- If you have debts and move out of an ILV property
- If you want to move to another ILV property
- What you can do if you are not happy with our decisions about your debts.

We keep a record of the payments you make and when you make them.

If you do not make your payments on time, you may end up in debt (in arrears). This is a breach of your tenancy agreement.

IN DEBT?

Tell us if you cannot pay your rent or board.

We regularly check our records of payments for rent, board and other expenses. We will contact you if you are behind (in arrears) with your payments.

We will work with you to find out why you are having problems making your payments. We will talk about what else you can do to keep up to date and pay back any outstanding debts. For example:

- Set up an automatic payment for your rent/board (many residents get their rent and board automatically taken out of their Centrelink payments or bank accounts)
- Work out a repayment plan with you to repay your debts

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- Refer you to a financial counsellor to help you manage your money.

WHAT HAPPENS IF YOU DO NOT REPAY YOUR DEBTS

If you do not repay your debts, we can take action in the Tenancy Tribunal.

Before we do this, we will talk with you again about any further actions we can take to help you pay your debts. We will also consider:

- Your record of payments
- How long you have had the debt
- Your willingness to repay the debt
- Steps already taken
- The size of your debt.

In general, we will try to work with you to set up a repayment plan for smaller debts (with the aim of repaying the debt within three months).

For large debts (that we don't think you can repay within three months), we will go to the Tenancy Tribunal.

We might ask the tribunal to:

- Issues a Specific Payment Order (SPO). This is an order says you must pay your rent and/or any outstanding debts and outlines how and by when you must pay. If you do not follow this order, we can take action to end your tenancy.
- Issue a Notice of Termination (end your tenancy).

IF YOU MOVE OUT OF AN ILV PROPERTY

We will calculate the money you owe us up to the date you move out.

We will use any credit in your account (e.g. payment of rent in advance) towards your debt. If there is any money left, we will forward this to you. We will tell you what we have done.

If you do not repay all the debt before you move out, we may:

- Apply to the Tenancy Tribunal for an order for you to pay the money owing
- Send a let or demand
- Take action through a debt recovery service.

IF YOU WANT TO MOVE TO ANOTHER ILV PROPERTY

You will need to repay any debts before moving to another ILV property.

IF YOU ARE NOT HAPPY WITH OUR DECISION ABOUT YOUR DEBTS

If you are not happy decision/s we make about your debt, you can:

- Speak to our staff about why we made that decision
- Ask for a review of the decision (Refer to ILV Policy 1.4 Appeals)

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RELATED POLICIES, LEGISLATION OR OTHER RESOURCES

Legislation and Guidelines

- Relevant Tenancy Legislation
 - Residential Tenancies Act 2010 (NSW)
 - Housing Act 2001 (NSW)

Policies

- ILV Policy 1.4 Appeals
- ILV Policy 1.10 Transfers

Resources

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

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