

1. Introduction

Wayss is committed to ensuring that it fulfils its duties as a residential renter provider and upholds the rights of its renters under the Residential Tenancies Act 1997 and the Victorian Charter of Human Rights and Responsibilities 2006 (The Charter). This Policy promotes a lawful, equitable, fair and transparent approach to ending tenancies.

Wayss is a Child Safe organisation and child safety is at the forefront of our program delivery. Our policies ensure that child safety is a primary part of everyday thinking and practice. All employees, contractors and volunteers have an obligation to ensure we keep children safe from harm and abuse.

We're committed to upholding the rights of all of our stakeholders and creating a workplace that fosters inclusion and diversity. We believe that by bringing our authentic selves to Wayss, we can contribute to building strong teams, cultivating leaders, and creating an organisation that is well-suited for every individual. It's essential to us that we establish an environment where everyone, regardless of their background, can be themselves and feel safe, valued and respected. Regardless of whether you identify as an Aboriginal or Torres Strait Islander or LGBTIQ member, are from a culturally and linguistically diverse background, or a person living with a disability, as an individual associating with Wayss, you have the right to participate and engage in an environment that is free from discrimination and bias, and we strive to create a workplace that honours that commitment.

2. Scope

This policy applies to all renters in social housing and rooming houses managed or owned by Wayss.

3. Policy Statement

Wayss will comply with the relevant provisions of the Residential Tenancies Act regarding ending tenancies, including evictions. Wayss will end tenancies and undertake evictions in a manner that is lawful, equitable, fair and transparent.

Wayss is committed to ensuring evictions are a last resort and will only be explored after every other possible option has been exhausted.

3.1. Policy Principles

Wayss applies the following principles in relation to evictions:

- Wayss shall end tenancies in a way that is lawful.
- Wayss shall act as a residential renter provider in accordance with the *Residential Tenancies Act 1997* (Vic).
- Wayss shall uphold the rights of renters when ending tenancies.
- Wayss shall end tenancies in a way that is equitable, fair and transparent.
- Wayss seeks to reduce the frequency of legal proceedings and minimise the likelihood of a return to homelessness for renters as a result of evictions.
- Rent will remain payable until the day the property keys are returned to Wayss.
- Any amount of rent in credit shall be repaid to the renter.

4. Ending Tenancies

4.1. Immediate Notice to Vacate

Wayss shall only pursue an Immediate Notice to Vacate under extreme and select circumstances, including:

- significant incidents of deliberate and intentional damage by the renter or the renter's visitor;
- the premises are totally or partially destroyed and unsafe, or unfit for living; or,
- the renter's or their visitor's behaviour is putting others safety in danger.

4.2. Notice to Leave

Wayss shall only issue a Notice to Leave to a rooming house resident under extreme and select circumstances, limited to when the resident or their visitor:

- Has committed a serious act of violence; or,
- Are putting others' safety in danger.

4.3. Eviction

Wayss views evictions as a last resort option and will only initiate proceeding with the eviction of a renter when all other means of engagement and issue rectification options to assist the renter with sustaining their tenancy, have failed. With all evictions, Wayss will make available information regarding an external tenancy advocate to represent the renter at a Tribunal/Court Hearing.

At all stages of the eviction process, Wayss will make it clear to renters the actions they can take to restore their tenancy. Wayss will be fair and reasonable in seeking performance orders and will be flexible and responsive in adjusting performance orders to maximise the renter's capacity to comply and maintain their tenancy. Wayss will always consider the human rights of its renters throughout this process.

Wayss will comply with all legislative requirements and processes prescribed under the Residential Tenancies Act and contract requirements.

Wayss employs the mechanisms of the legislation and its operating contracts to manage all properties and tenancies within its portfolio. Where Wayss is required to handback a property under leasehold or other contractual arrangements and/or in extraordinary circumstances where tenancy sustainability actions have substantially failed and rectification options have been exhausted, Wayss may need to end a tenancy under these provisions. Where appropriate and possible, Wayss will make all attempts to rehouse a renter and/or connect them with suitable alternative accommodation.

Any eviction proceedings must be in conjunction with support provider recommendations and follow the process as per our Non-compliance of Lease form, followed by a recommendation by the Operations Manager and approval from the General Manager, Corporate Services before being undertaken. There is also recognition and commitment to uphold obligations held under the *Victorian Charter of Human Rights and Responsibilities Act 2006* (the Charter) when making decisions that affect the lives of renters including the requirements to consider and act compatibly with the human rights of renters.

Evictions Policy

4.4. Communication

Wayss will provide clear information to renters on the contents of this policy. Wayss will also inform renters when their tenancy is at risk and if eviction is a likely outcome.

5. Complaints and Appeals

Wayss welcomes its renters to query any decisions it makes and/or ask questions about our work practices. If a renter wishes to provide feedback to Wayss and/or believes a decision made by Wayss is incorrect, the first step is to request that the complaint be reviewed, or that the decision be reconsidered by Wayss as per our ***Client Feedback and Complaints Policy***.

6. Review

Wayss will review this policy every three years or sooner if there are legislative changes, or Wayss receives feedback or complaints about service delivery that may impact on this policy.

7. Related Resources

7.1. Standards and Frameworks

Department of Human Services Standards: Section 1 – Empowerment

Performance Standards for Registered Housing Agencies

Victorian Charter of Human Rights and Responsibilities 2006

7.2. Legislation

Housing Act 1983 (Vic)

Privacy Act 1988 (Cth)

Privacy and Data Protection Act 2014 (Vic)

Residential Tenancies Act 1997 (Vic)

Residential Tenancies Amendment Act 2018 (Vic)

Victorian Civil and Administrative Tribunal Act 1998 (Vic)

7.3. Wayss Related Policies and Documents

Client Feedback and Complaints Policy

Client Privacy Policy

Homelessness Services Guidelines and Conditions of Funding May 2014

Income Based Rent Policy

8. Change History

Date	Version	Summary of changes	Approver
31/03/2023	1.0	Initial Draft	General Manager, Homelessness and Housing

Evictions Policy

24/04/2023	1.0	Draft Approved	CEO
------------	-----	----------------	-----