

Tenant Recharge Policy

KEY POLICY AREA: Property Management

POLICY: Tenant Recharge

APPROVED DATE: 11th June 2019

MODIFIED DATE:

RELEVANT LEGISLATION

Residential Tenancies Act 1997

Wrongs Act 1958 (Vic)

STANDARDS, PROTOCOLS AND POLICY LINKAGE

Client Complaint Policy

Quality Assurance Policy

POLICY

Wayss is committed to providing tenants with properties that are clean, safe and functional in line with landlord responsibilities under the *Residential Tenancies Act 1997*. Tenants are encouraged to take responsibility for keeping their home in a good state and for ensuring that any damage to their rented property is reported in a timely manner.

The policy aims to outline which repairs and services the landlord is responsible for and which are the responsibility of the tenant. Wayss will ensure that rechargeable items are set out in a transparent manner, clearly communicated and actioned in a fair and effective manner.

DEFINITION

Tenant damage is defined as damage that is the result of the deliberate action or negligence of a tenant, household member or visitor. This is separate from damage which has resulted from fair wear and tear through ordinary day-to-day use of the property.

Family Violence examples

Tenants are responsible for any damage to the property caused by any of the tenants or their visitors. In cases of family violence the affected person can argue they are not responsible for the damage:

- **If damage was caused by the perpetrator, and both the affected person and the perpetrator are on the lease**, the affected person can ask *Victorian Civil and Administrative Tribunal (VCAT)* to order that the perpetrator is solely responsible for the damage, under Part IVAA of the *Wrongs Act 1958 (Vic)* which applies to a claim for economic loss or damage to property that arises from a failure to take reasonable care.
- **If damage was caused by the perpetrator who is not on the lease**, the tenant can argue that they were not able to prevent this damage occurring due to family violence. They can also argue that the perpetrator was not their invited visitor, especially if they have an intervention order.

RECHARGE APPLICABLE

Wayss may recharge tenants for costs incurred to repair damage and/or maintain its rental properties due to tenant damage. After any maintenance or repair, an assessment will be conducted to determine who is responsible for its cost.

Tenants may be recharged for any of the following work for which Wayss is not responsible, including but not limited to:

- Deliberate, accidental or negligent damage to the property by the tenant, household members or their visitors;
- Replacement of keys;
- Repeated missed appointments with contractors;
- Eradication of pests caused by tenant;
- Vacated property left in poor condition;
- Removalist costs; and
- Unauthorised alterations made to the property.

Tenant Recharge Policy

In circumstances of criminal activity, the tenant is responsible for providing a Police Statement.

The cost of a recharge may be waived (in full or in part) in exceptional circumstances where evidence can be provided to justify such a waiver. Wayss acts as a social landlord and will therefore consider circumstances such as if a tenant has a disclosed, prolonged or considerable disability, mental health issue, learning difficulty or where a recharge would result in considerable financial hardship.

CLIENT RIGHTS

All tenants have the right to rent a property which is clean, safe and functional in line with the *Residential Tenancies Act 1997*.

Tenants have the right to dispute tenant charges. Any tenant wishing to appeal any aspect of the recharge process can lodge a formal complaint in accordance with Wayss ***Client Complaint Policy***.

RESPONSIBILITY

Tenants are responsible for ensuring that any damage to their property is reported to Wayss in a timely manner. Wayss is responsible for arranging maintenance and/or repairs, and calculating any applicable rechargeable costs.

EVALUATION AND REVIEW

This policy will be reviewed when required in line with changes to the *Residential Tenancies Act* and/or Office of Housing guidelines.

This policy will be reviewed as part of a formal evaluation process and as issues are raised. This policy will be monitored through data collected from tenant complaints, tenant feedback surveys and staff feedback.