

## Breach of Rental Agreement Policy

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### Introduction

This policy outlines Veteran Housing Australia's (VHA) response to breaches of the residential rental agreement (rental agreement).

### Principles of VHA Breach of Rental Agreement Policy

VHA is committed to:

- Meeting our contractual, legal, and regulatory duties,
- Supporting renters to understand their rental agreement,
- Giving due consideration to human rights and considering the impact of any proposed action on a person's rights under the Charter of Human Rights and Responsibilities 2006,
- Sustaining tenancies,
- Only proceeding with eviction as a last resort

### BREACH OF RENTAL AGREEMENT BY A RENTER

At the commencement of a tenancy, all renters sign a rental agreement which sets out their obligations and duties under the Residential Tenancies Act 1997 (Vic) (RTA). Renters are responsible for their own conduct as well as for the behaviour of other household members and visitors.

Non-compliance with obligations under the RTA is called a breach. The RTA allows for the following actions when a breach occurs:

- Issuing a breach of duty notice,
- Applying for a compliance or compensation order at the Victorian Civil and Administrative Tribunal (VCAT),
- Issuing a Notice to Vacate,
- Issuing an immediate Notice to Vacate,
- Applying for an Order for Possession, and
- Applying for a Warrant of Possession.

VHA recognises the impact that formal action taken under the RTA may have on a renter and their household, therefore, when a breach is identified, VHA will:

- Attempt to contact the renter to objectively investigate the cause of the breach and the individual circumstances of the household involved, Seek to negotiate an agreement to resolve the breach and prevent it from reoccurring or escalating,
- Keep details documentation of all correspondence relevant to the breach,
- If all other reasonable options have been exhausted, and the breach has been substantiated, take legal action under the RTA, including issuing a breach of duty notice, applying for a compliance or compensation order, serving a notice to vacate and, in extreme cases, eviction.

VHA aims to avoid evictions. We will take action to end a tenancy for a breach only after all appropriate options to sustain the tenancy have been exhausted. At all stages of the eviction process, VHA will make clear to renters the actions they can take to restore their tenancy.

#### BREACH OF RENTAL AGREEMENT BY RENTAL PROVIDER

Renters are entitled to give a breach notice to VHA if they believe that the organisation is not fulfilling its obligations under the RTA. VHA encourages renters to lodge a formal complaint with VHA in the first instance rather than using a breach of duty notice, so that VHA can investigate and resolve the issue if possible, without the renter having to apply for a hearing at VCAT. See the Complaints Management Policy and Appeals Policy for more information.

#### SUSTAINABLE TENANCIES

As set out in the Sustainable Tenancies Policy, VHA is committed to early intervention and support to sustain tenancies. VHA will provide information and referrals to relevant support services, as identified, or agreed by the renter or household, to prevent future breaches and ensure a more sustainable tenancy.

VHA also provides information to renters on how to access legal advice from Victorian Legal Aid and other advocates, so that they can be adequately represented and informed of their rights and responsibilities if they are in breach of their rental agreement.

#### Related legislation

##### *EXTERNAL LEGISLATION AND FRAMEWORKS*

<b>Residential Tenancies Act 1997 (Vic)</b>
<b>Victorian Housing Registrar Performance Standard 1 – Tenant and housing Services</b>
<b>The Charter of Human Rights and Responsibilities Act 2006 (Vic)</b>
<b>Housing Act 1983 (Vic)</b>
<b>Victorian Civil and Administrative Tribunal Act 1998</b>

##### *VHA RELATED POLICIES AND PROCESSES*

<b>VHA Sustaining Tenancies Policy</b>
<b>VHA Complaints Management Policy</b>
<b>VHA Appeals Policy</b>