

Anti-Social Behaviours and Breaching Policy

Version date: April 2019
Review date: April 2022
Policy owner: Director Housing and Homelessness

Purpose

The purpose of the policy is to outline Unison's approach to the management of anti-social behaviour and breaches of duties under the Residential Tenancies Act 1997 (RTA) to ensure the health and safety of all Unison tenants, neighbouring community members and staff.

Scope

This policy is applicable to all Victorian Unison long term and transitional properties.

Principles

Unison is committed to:

- Creating homes where people want to live
- Facilitating sustainable tenancies and working collaboratively with tenants and support agencies to prevent tenancies from failing
- Fostering a safe and secure environment for all tenants
- Understanding the personal, health, social and financial cost of tenancy breakdowns
- Working in line with the Victorian Charter of Human Rights and Responsibilities Act 2006
- Working in line with the Residential Tenancies Act (1997)
- Transparent decision making
- Responding promptly to allegations of anti-social behaviour to ensure the safety of all residents

Application

Responding to anti-social behaviour or report of a breach

Reports of incidents or tenant breaches can come from neighbours, contractors, police, routine inspections or other sources. Unison place managers will gather evidence from witnesses and may request further documented evidence (e.g. Anti-Social Behaviour Logbook, police statements, Statutory Declaration).

Investigate allegations

All allegations should be considered in terms of the tenants' history, the tenancy and the evidence available. Where further evidence is required, Place Managers will investigate via other means (e.g. speaking to neighbours, property inspection, communication with support agencies).

Tenant's Opportunity to respond

Tenants are given the opportunity to respond to allegations against them and their account of an incident will be given consideration (e.g. prepare a written statement, disclose extenuating circumstances).

Finding a Solution

Resolving disputes and responding to challenging behaviours is a collaborative process with the tenant, Unison and other parties involved.

Where the issue is a tenant to tenant dispute, place managers may consider organising a meeting with both tenants or organise a formal mediation session. Where the behaviour does not constitute a breach under the RTA, Unison will work collaboratively with the tenant to find a solution.

Breach of Duty Notice, Order of Compliance, Order of Possession and Eviction

Where there is evidence and legal reason to do so, place managers may issue a Breach of Duty Notice. Another breach under the same section may result in an application for an Order of Compliance at the Victorian Civil and Administrative Tribunal (VCAT).

If a tenant/s breach the Order of Compliance, Unison may issue a Notice to Vacate (NTV) and make an application to VCAT for an Order of Possession. Where future breaches occur, Unison may purchase a warrant of possession ensuring that great care is taken to execute the eviction in a respectful way that is in line with the Charter of Human Rights and Responsibilities Act 2006. Purchase of a warrant of possession must be approved by the relevant Manager, Place Management.

Glossary

VCAT - Victorian Civil and Administrative Tribunal.

Breach of Duty Notice – Where a tenancy agreement or a RTA breach has occurred.

Order of Compliance - Section 209 of the RTA states that where a breach notice has not been complied with, a person may apply to VCAT for a compliance order.

Notice to Vacate (NTV) - A formal notice served to the tenant by the landlord required prior to any hearings at VCAT.

Order of Possession - An order authorising the return of the property to the possession of the landlord.

Warrant of Possession - A warrant issued by VCAT, executed by the police to terminate the tenancy.

Eviction - A tenancy that has been terminated following the purchase of a Warrant of Possession.

Review of policy

This policy will be reviewed every three years as delegated by the responsible Director.