

## Ending a Tenancy Policy

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

### Purpose

The purpose of this policy is to outline how a tenant or Unison may end a tenancy.

### Scope

This policy applies to all long term and transitional tenancies managed by Unison.

### Principles

- Unison will end tenancies in accordance with the Residential Tenancies Act 1997 (RTA), and the Victorian Charter of Human Rights and Responsibilities (The Charter).
- Unison will offer variations to tenancy termination conditions in a manner which balances the needs of the tenant against the needs of Unison.
- Unison takes active steps to sustain tenancies wherever possible.
- Unison will end tenancies in a manner that minimises adverse impact on the household members.
- Unison will end tenancies in a manner that ensures Natural Justice (access to information, reasons for decisions made, the ability to review decisions) and which maintains their privacy).

### Application

#### Tenant decides to leave

Tenants may initiate termination of their tenancy when they give notice of intention to vacate. The RTA outlines that residential tenancies with periodic leases are required to give 28 days' notice and rooming house residents are required to give 2 days' notice. Through mutual agreement, Unison permits residential tenants to provide only 14 days' notice of intention to vacate and may further vary these terms with the approval of the relevant Manager, Place Management.

Where a tenant has given their intention to vacate, Unison will inform the tenant of their responsibilities prior to vacating the property.

Tenancies are considered terminated on the day that the keys are returned to a Unison office. Tenants will be asked to fill out a Tenancy Termination Form.

Following termination of the tenancy, Unison will conduct a property inspection and identify any repairs that are the responsibility of the outgoing tenant. Unison will organise any refund to the tenant or claim any debt owed to Unison. This might include returning or claiming against a residential tenancies bond in properties where they are applicable.

## Eviction

As a last resort, Unison may seek an eviction at the Victorian Civil and Administrative Tribunal (VCAT) in accordance with terms of the RTA.

An eviction will not proceed without written approval from the relevant Manager, Place Management. Eviction will not be approved where the Manager believes that further action could be made to successfully maintain the tenancy, where Natural Justice or the tenant's Human Rights have not been met, or where Unison's policies and procedures have not been followed.

## Tenant deceased

When there is a tenant death Unison will ensure that the next of kin (NOK) is notified of the death and liaise (where possible) with them for tenancy termination and collection of goods left at the property. If a NOK is not listed, or not contactable, Unison will go to VCAT and apply to end the tenancy, this requires evidence of the death of the tenant.

The tenancy is terminated on the earliest date of the following:

- A date agreed in writing between Unison and the deceased tenant's legal personal representative (LPR) or the NOK
- 28 days after Unison has been given written notice of the death by the LPR or NOK
- 28 days after Unison has given the LPR or NOK written notice
- A date determined by VCAT

## Abandoned property

Where a tenancy has been abandoned, Unison will seek to terminate the tenancy through an order declaring premises abandoned at VCAT in line with Unison's Abandoned Property and Abandoned Goods policies and procedures.

## Review of policy

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