

Breach of Rental Agreement Policy

Purpose

This policy outlines CatholicCare Victoria Housing Ltd (CCVH) response to breaches of the residential rental agreement (rental agreement).

Scope

This policy applies to all tenancies managed by CCVH.

This policy applies to both rental agreements and rooming house agreements. Unless stated otherwise, references to “renters”, “tenancies” and “rental agreements” also applies to rooming house residents.

Policy Statement

Guiding Principles

CCVH 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 2021* (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.

CCVH recognises the impact that formal action taken under the RTA may have on a renter and their household, therefore, when a breach is identified, CCVH 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 detailed 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.

CCVH aims to avoid evictions and 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, CCVH will make clear to renters the actions they can take to restore their tenancy.

Throughout the legal process and prior to purchasing a *Warrant of Possession*, CCVH will consider the potential impact of eviction on the human rights of the household through completing a *Human Rights Impact Assessment (HRIA)*. An eviction will not proceed without written approval from the CEO.

Breach of Rental Agreement by a Rental Provider

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

Sustainable Tenancies

As set out in the *Sustainable Tenancies Policy*, CCVH is committed to early intervention and support to sustain tenancies. CCVH 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.

CCVH 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 Information

- CCVH End of Tenancy Policy
- CCVH Complaints, Appeals and Feedback Policy
- CCVH Sustainable Tenancies Policy
- Housing Act 1983 (Vic)

- Residential Tenancies Act 20212021 (Vic)
- Victorian Housing Registrar Performance Standard 1 – Tenant and housing Services
- The Charter of Human Rights and Responsibilities Act 2006 (Vic)

Transparency and Accessibility

This policy will be publicly available on our website.

Version Control

Version	#1	Review frequency	Approved: June 2023 Next Review: June 2025
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