



TEN-POL-03

## ESTABLISHING A TENANCY POLICY

### 1. Introduction

- 1.1. The Starting a Tenancy policy of Northside Community Service Ltd (Northside) ensures that tenants understand their rights and responsibilities when starting a new tenancy within a housing program at Northside.

### 2. Purpose

- 2.1. The purpose of this policy is to describe tenancy conditions that are legal, ethical, and appropriate to Northside tenants.
- 2.2. This policy will support respectful and transparent relationships with Northside tenants, ensuring tenants are well informed of their rights, responsibilities, and options; and to ensure the administration of each tenancy will be effective and efficient.

### 3. Scope

- 3.1. This policy applies to all housing applicants and tenants of Northside.

## **4. Policy Owner and Review Requirements**

### **4.1. Policy Owner**

- 4.1.1. This policy owner for the Starting a Tenancy Policy is the Executive Director of Client Services.

### **4.2. Review Requirements**

- 4.2.1. This policy is to be reviewed annually.

## **5. Policy Statements**

### **5.1. Eligibility**

- 5.1.1. As a part of the Transitional Eligibility criteria all applicants must:

5.1.1.1. be eligible for transitional housing as assessed by OneLink;

5.1.1.2. demonstrate the ability to sustain the property;

5.1.1.3. continue to work with support providers and seek alternative accommodation in the private sector.

### **5.2. Starting of a Tenancy**

- 5.2.1. Northside is committed to supporting successful tenancies. When starting a tenancy, Northside will:

5.2.1.1. Complete initial paperwork with the tenant in a process that ensures the tenant has a clear understanding of all legal and good practice requirements that are to be met by both the Tenant and Northside.

5.2.1.2. Prepare records of tenancy that are accurate, relevant, easy to use and maintain throughout the tenancy, consistent with our policies and community housing good practice, and able to meet the requirements of relevant legislation.

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- 5.2.1.3. Conduct the tenancy sign-up process steps and relevant documentation in accordance with Northside procedures. A range of welcome and property-specific documents will be given to new tenants as part of the tenancy sign-up process.
- 5.2.1.4. Make a referral to the Northside Case Management team for ongoing support and specialised case management services.

### **5.3. Residential Tenancy Agreements**

- 5.3.1. Northside signs a written, standard **Tenancy Agreement** with each prospective tenant before they occupy a property. The **Tenancy Agreement** sets out the terms and conditions of the tenancy. If any additional terms or conditions need to be included, these will be discussed, and agreed to by the tenant, before the agreement is signed.
- 5.3.2. Staff will explain the **Tenancy Agreement** in detail, including the length of tenure offered, tenancy start date, type of property, applicable program and tenancy and property requirements. As well as any other fees or charges such as water usage charges that might apply. Where appropriate, staff should refer to material included in the **Tenant Welcome Pack**.
- 5.3.3. Northside clearly explains the circumstances under which the tenancy might be terminated and what a tenant's re-housing options might be. For more information, see **End of Tenancy Policy**.
- 5.3.4. Following confirmation that the tenant understands and accepts the terms contained within the **Tenancy Agreement**, they must be signed. All agreements must be signed by both parties, with a copy retained by each. At the time of signing the **Tenancy Agreement**, the client, or applicant, becomes a tenant of Northside.

### **5.4. Condition of Premises Report**

- 5.4.1. As per the Residential Tenancies Act 1997, Northside will inspect the premises prior to occupation and prepare a **Condition of Premises Report** before the Tenancy Agreement is signed. Northside will:

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- 5.4.1.1. Attend to identified repairs promptly – if possible, before the tenant moves in. Where this is not possible our intention to do this work will be recorded on the **Condition of Premises Report**.
  - 5.4.1.2. Not ask a tenant to sign any copy of a **Condition of Premises Report** before they have checked their copy after inspecting the property.
  - 5.4.1.3. Ensure each tenant understands how to complete and return the report, when the report is due, and offer appropriate assistance if required.
  - 5.4.1.4. Ensure any further repairs or maintenance needs are noted and the tenant informed of how and when these matters will be dealt with. For more information, refer to the **Tenancy Management Policy**.
- 5.4.2. Tenants must complete and return the **Condition of Premises Report** within 7 days of taking possession of the property otherwise the original condition report provided to the tenant will be considered final.

## 5.5. Keys

- 5.5.1. Northside will provide tenants a full working set of keys on the day they sign the **Tenancy Agreement**.
- 5.5.2. Northside will keep a spare set of keys to the property and will use the keys to access the property as per the conditions stated in the **Renting Handbook**.

## 5.6. Rent

- 5.6.1. The term Rent on the **Tenancy Agreement** is the rent set for the property.
- 5.6.2. Northside requires the first two weeks rent to be paid in advance at the time of signing the **Tenancy Agreement** as per the guidelines given in the **Renting Handbook**.
- 5.6.3. Further information on rent can be found in the **Rents, Bonds and Other Charges Policy**.

## 5.7. Utility Charges

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5.7.1. The tenant is responsible for water usage charges at their property, in accordance with an invoice received from the Water Authority, in accordance with the Residential Tenancies Act 1997 (ACT).

5.7.2. Further information on utilities can be found in Northside's **Rents, Bonds, Other Charges and Arrears Management Policy**.

### 5.8. Bond

5.8.1. A bond payment will be charged to all transitional housing tenancies that is equal to four weeks rent.

5.8.2. Further information on bonds can be found in the **Rents, Bonds, Other Charges and Arrears Management Policy**.

### 5.9. Pets

5.9.1. Approval must be gained in writing from Northside prior to any animal residing at the property. Applications will be considered on a case-by-case basis.

5.9.2. It is a requirement that a picture of the pet, proof of relevant registration and evidence of micro-chipping must be attached to the application.

5.9.3. Further Information on pets can be found in **Tenancy Management Policy**.

### 5.10. Property Disclosure

5.10.1. Northside must disclose to all incoming tenants if the property:

5.10.1.1. Has been subject to flooding from a natural weather event or bush fire within the last 5 years.

5.10.1.2. Is subject to significant health or safety risks.

5.10.1.3. Is listed on the loose-fill asbestos insulation register.

5.10.1.4. Was the scene of a crime of murder or manslaughter within the last 5 years.

5.10.1.5. Has been used to manufacture, cultivate, or supply prohibited drugs or plants within the last 2 years.

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- 5.10.1.6. Is, or is part of, a building that contains external combustible cladding, and:
  - 5.10.1.6.1. There is a notice of intention to issue a fire safety order, or a fire safety order has been issued requiring rectification of external combustible cladding;
  - 5.10.1.6.2. There is a notice of intention to issue a building product rectification order, or a building product rectification order has been issued requiring rectification of external combustible cladding; and/or
  - 5.10.1.6.3. A development application or complying development certificate application has been lodged for rectification of external combustible cladding.

## **5.11. Informed Decision Making**

- 5.11.1. To assist applicants where cultural or communication barriers are identified, or where a tenant is unable to consent on their own behalf, Northside staff will:
  - 5.11.1.1. Engage an interpreter and/or support service at no cost to the tenant; and/or
  - 5.11.1.2. Engage an advocate, guardian, or family member to witness the signing of the agreement.
- 5.11.2. A staff member will organise representation for tenants under 18 years of age where they are unable to nominate a representative for themselves.

## **6. Breaches and Penalties**

### **6.1. Breaches**

- 6.1.1. Northside ensures that it manages properties in accordance with the *ACT Residential Tenancies Act 1997*. To protect the interests of Northside and to ensure compliance with this Policy, the Chief Executive Officer (or nominee) retains the right to examine any data or files, monitor issues relating to tenancy, and intervene if necessary.

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- 6.1.2. Breaches of this Policy must be reported immediately to the Chief Executive Officer. Confidentiality will be maintained where possible.

## **6.2. Penalties**

- 6.2.1. If Northside believes that unethical or illegal activities, or activities inconsistent with Northside’s purpose or mission have occurred, these processes will be followed:
  - 6.2.1.1. An investigation will take place to determine potential breaches.
  - 6.2.1.2. If a tenant breach is found to have occurred, Northside may decide to issue a breach notice or terminate the tenancy, depending on the seriousness of the offence.
  - 6.2.1.3. Where an employee has breached this Policy, and the offence is judged to be serious, the procedures outlined in the **Northside Grievance Policy** will be followed.
  - 6.2.1.4. Where a breach involves illegal activities, Northside has an obligation to report these to the relevant external law enforcement agencies, and individuals may be subject to prosecution.

## **7. Audits**

- 7.1. All properties owned, occupied, and managed by Northside will be subject to ongoing assurance and audits. All records belong to Northside. In most cases, these are admissible as evidence and are subject to relevant Territory and Federal Laws.
- 7.2. Northside management is responsible for the development of the audit plan overseeing Tenancy Management, including routine property inspections and tenancy record audits.
- 7.3. The team leader or manager is to provide a report to the CEO in relation to the results of audits undertaken during the period.

## **8. Roles and Responsibilities**

- 8.1. Roles and responsibilities for Starting a Tenancy are detailed below:

- 8.1.1. **Northside is responsible for:**

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8.1.1.1. Ensuring that tenancy services are delivered lawfully, efficiently and ethically.

8.1.2. **The Executive Director Corporate Services is responsible for:**

8.1.2.1. Ensuring that breaches of this policy are referred to the Chief Executive Officer so that action can be taken when required, and reports are made to other agencies (for example, the Police) when necessary;

8.1.2.2. Ensuring accurate system records are maintained and that records are monitored and archived as appropriate;

8.1.2.3. Assisting with any audit, including audits conducted by other agencies (with the approval of the Chief Executive Officer, or nominee) in investigating suspected breaches or conducting scheduled audits or inspections.

8.1.3. **Managers are responsible for:**

8.1.3.1. Ensuring all staff are aware of this Policy in relation to their work at Northside;

8.1.3.2. Ensuring that all work practices comply with this Policy;

8.1.3.3. Leading by example with respect to upholding this Policy.

8.1.4. **Employees are responsible for:**

8.1.4.1. Following policies and procedures;

8.1.4.2. Participating in development opportunities;

8.1.4.3. Treating clients with dignity and respect at all times;

8.1.4.4. Working to maintain an environment that is culturally safe;

8.1.4.5. Supporting clients to make informed choices;

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- 8.1.4.6. Ensuring the privacy and confidentiality of clients;
- 8.1.4.7. Working in partnership with clients and other service providers to provide best practice tenancy management.

**8.1.5. Clients and/or their representatives are responsible for:**

- 8.1.5.1. Informing Northside about their decisions and of any questions they may have in relation to their tenancy;
- 8.1.5.2. Ensuring that they adhere to this policy at all times;
- 8.1.5.3. Letting Northside know when they feel they have not been treated with dignity and respect.

**9. Associated Documents**

**9.1. Associated Northside Documents**

- 9.1.1. **Northside’s Pets within Northside Housing Procedure**
- 9.1.2. **Inspections Policy**
- 9.1.3. **Water Charges Policy**
- 9.1.4. **Grievance Policy**
- 9.1.5. **Rents, Bonds, and Other Charges Policy**
- 9.1.6. **Tenancy Agreement**
- 9.1.7. **Condition of Premises Report**

**9.2. Additional Associated Documents**

- 9.2.1. [The Renting Book- ACT Government](#)
- 9.2.2. [Residential Tenancies Act, ACT 1997](#)

**10. Definitions**

- 10.1. **Northside** - Northside Community Service, including all Services operated by both Community Services and Children’s Services business units.

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- 10.2. **Employee** - means the employees of Northside, and contractors, sub-contractors and consultants employed by Northside, apprentice or trainee, student gaining work experience, and volunteer, whilst they are on Northside property or engaged on Northside business.
- 10.3. **Applicant** – is the person making formal application for housing assistance.
- 10.4. **Market Rent** – is the maximum rent a tenant will pay for a Northside Community Services Ltd property. The market rent is based on how much the property could be leased for in the private rental market
- 10.5. **Rent Subsidy** – is the difference between the market rent and the amount of rent a tenant pays, based on the household’s assessable income. If a tenant receives a rent subsidy this means they will pay less than the market rent. Eligibility for Rental Subsidy will be assessed a maximum of twice a year.
- 10.6. **Tenant** – is the person who signed the Tenancy Agreement
- 10.7. **Household Members** – are other people who have been authorized by Northside Community Services Ltd to reside at the property
- 10.8. **Rental Bonds**-Most landlords or agents will ask you to pay a bond when renting a residential property. A bond acts as a security for the performance of the tenant’s obligations under a residential tenancy agreement. Lessors and agents are required to lodge it with the ACT Revenue Office. Lessors and agents must give the tenant a receipt as proof of payment of the bond. When a refund is requested, a claim may be made by the lessor (also known as the landlord) for damage caused by a tenant (besides normal wear and tear) or outstanding rent owed.
- 10.9. **Condition of Premises Report** - A report form that is used to detail the condition of a property at the start and end of a tenancy. Condition reports are used to gauge changes in the condition of a property during a tenancy.

## **11. Document Control and Version History**

### **11.1. Document Control**

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<b>Document Reference:</b>	Establishing a Tenancy Policy
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### 11.2. Version History

Revision Date	Version No.	Brief reason for change	Reference Sections
1/12/2022	V2	Formatting and minor content change. Introduction of procedures.	All.
17/3/2023	V3	Added section - Eligibility	5.2

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