



TEN-POL-05

## BREACH OF TENANCY POLICY

### 1. Introduction

1.1. The Breach of Tenancy policy of Northside Community Service Ltd (Northside) provides guidance around breaches of a tenancy, with a focus on health and safety, legal and regulatory obligations, and asset management.

### 2. Purpose

2.1. This policy outlines the approach to be adopted where Northside tenancies are breached, ensuring that breaches are managed in a fair and transparent manner, and with a focus on sustaining tenancies.

### 3. Scope

3.1. This policy applies to all properties owned, occupied, and managed by Northside. This policy applies to all housing applicants and tenants.

### 4. Policy Owner and Review Requirements

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### 4.1. Policy Owner

4.1.1. This policy owner for the Breach of Tenancy Policy is the Executive Director Client Services.

### 4.2. Review Requirements

4.2.1. This policy is to be reviewed annually.

## 5. Policy Statements

### 5.1. Breaches to a Tenancy

5.1.1. Northside will treat tenancy breaches in line with the *Residential Tenancies Act 1997*, the tenancy agreement and other relevant legislation.

5.1.2. Where Northside finds that a tenant has failed to abide by the terms of their tenancy agreement/lease or Northside policies and procedures, Northside will provide notice in writing of the breach.

5.1.3. Actions that may result in the issuing of a notice of breach of tenancy may include:

5.1.3.1. Anti-social behaviour towards neighbours, the community, Northside staff and other tenants;

5.1.3.2. Disturbing the right of neighbours and surrounding community to live in reasonable peace, privacy and security;

5.1.3.3. Using a property in a manner which is not permitted under Residential Tenancy Act or in line with the **Tenancy Agreement**;

5.1.3.4. Obstructing or preventing access to a property;

5.1.3.5. Failing to inform Northside of changes to income and household composition;

5.1.3.6. Rent and non-rent debts, such as debts resulting from rent arrears or property;

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- 5.1.3.7. damage to the property that is not considered fair wear and tear; and/or
- 5.1.3.8. Making changes to a property or keeping pets at a property without the approval of Northside;
- 5.1.3.9. The condition of the property does not meet satisfactory standards upon inspections;
- 5.1.3.10. Failing to notify Northside of long-term absence from property.

### 5.2. Rectification

- 5.2.1. Tenants who receive a notice for a breach of tenancy may be required to rectify the situation or provide additional information and explanation regarding what circumstances led to the notice. Tenants may be required to respond or meet with a Northside representative within a specific timeframe.
- 5.2.2. Northside reserves the right to monitor the progress of tenants who have been requested to rectify a breach of tenancy, this may include gaining access to the property where required. This applies particularly where a breach involves damage to, or inappropriate use of, a property.
- 5.2.3. Where required and appropriate, Northside staff will provide tenancy information, offer support, and make referrals to relevant support services where tenants request support to comply with the terms of their lease or tenancy agreement.
- 5.2.4. If the breach of tenancy is not rectified, the tenant is not taking action to rectify, or is of serious nature, Northside may decide to terminate the tenancy as per **End of Tenancy Policy**, depending on the seriousness of the offence.

### 5.3. Appeal Process

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5.3.1. Tenants have the right to appeal organizational decisions and to complain about the services that they have received from Northside. If you do not agree with any of our decisions or actions, you can appeal following the **Complaints and Appeals Policy**.

## 6. Breaches and Penalties

### 6.1. Breaches

- 6.1.1. Breaches of this policy must be reported immediately to the Chief Executive Officer (or nominee). Confidentiality will be maintained where appropriate.
- 6.1.2. Staff will store records of any breaches of tenancy involving tenants and properties of Northside in the tenancy management system.

### 6.2. Penalties

- 6.2.1. Tenants who receive a notice for a breach of tenancy may be required to rectify the situation that led to the notice within a specific timeframe.
- 6.2.2. Where a breach involves illegal activities, Northside has an obligation to report these to the relevant law enforcement agencies, and individuals may be subject to prosecution.
- 6.2.3. If a tenant breach is found to have occurred, Northside may decide to issue a breach notice or terminate the tenancy as per **End of Tenancy Policy**, depending on the seriousness of the offence.

## 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.

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7.2. Director of Compliance and Quality is responsible for the development of the audit plan overseeing Tenancy Management, including routine property inspections, breach notices and other tenancy record audits.

7.3. Director of Compliance and Quality 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 Visitors and Additional Occupants are detailed below:

**8.1.1. Northside is responsible for:**

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.

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### 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;
- 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. Tenants are responsible for their own actions, and that of their household members and visitors.
- 8.1.5.2. They will be issued a notice for any breaches of tenancy that have been caused by their household members and/or visitors and will face any associated consequences in line with relevant State based Tenancy Legislation.

## 9. Associated Documents

### 9.1. Associated Northside Documents

- 9.1.1. **Rents, Bonds and Other Charges Policy**
- 9.1.2. **Arrears Policy**
- 9.1.3. **Complaints and Appeals Policy**
- 9.1.4. **End of Tenancy Policy**
- 9.1.5. **Keeping Pets Policy**
- 9.1.6. **Visitor & Additional Occupants Policy**
- 9.1.7. **Alterations & Modifications Policy**

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### 9.2. Additional Associated Documents

9.2.1. [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.
- 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. **Tenant** – is the person who signed the Tenancy Agreement.

## 11. Document Control and Version History

### 11.1. Document Control

<b>Document Reference:</b>	Breach of Tenancy Policy
<b>Status:</b>	Approved
<b>Approval Authority:</b>	Anna Whitty – Chief Executive Officer
<b>Signature of Approval Authority:</b>	
<b>Approval Date:</b>	06 September 2022
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<b>Review Date:</b>	06 September 2023
<b>Functional Unit:</b>	Tenancy
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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
3/4/2023	V3	Added content to all sections.	All

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