

## **POLICY/PROCEDURE: Ending a Community Housing Tenancy**

### **Purpose**

This policy explains how we will end tenancies and meet our legal duties under section 11 of the Residential Tenancies Act 1999 (NT).

### **Scope**

This policy applies to CatholicCare NT Resources (CCNTR) Community Housing and its affiliate CatholicCare NT (CCNT). Our staff and officers must always comply with this policy. CCNT, by agreement with CCNTR, will manage the ending of a tenancy as part of tenancy management services undertaken on behalf of CCNTR.

### **Policy Statement:**

CCNT will:

- inform tenants about their rights and responsibilities at the commencement of their tenancy with us and at any time when we commence any action under the Residential Tenancies Act 1999 (NT) that may end their tenancy
- tell our tenants how they can access advice about their tenancy and make sure that they have access to interpreters if needed
- proactively work with tenants in a sustaining tenancies framework
- meet our legal duties when ending a tenancy
- make sure that we follow procedural fairness when we end a tenancy
- provide information to tenants on ending a tenancy in multiple formats.

### **How a tenancy can be terminated:**

Where a tenant wants to end their tenancy agreement with CCNT, they must give us the amount of notice required by law. The amount of notice needed will depend on the type of tenancy agreement e.g., fixed term or periodic agreement, or the reason for the termination.

Written notice of the intention to end the tenancy must be provided to the tenant. Written notice can be provided in person, or via, email, or post. Written notice needs to include: the address of the property being rented, be signed by the tenant or all the tenants (each person whose name is on the lease agreement), allow the right amount of notice, provide the intended move out date, and give the reason for ending the lease.

CCNT may agree to accept a shorter notice period from the tenant. The decision to accept a shorter notice period must be approved by the relevant Manager.

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When a joint tenancy is ended by one tenant, CCNT will terminate the tenancy and make arrangements with the remaining tenant. This could include signing a new tenancy agreement for the current property or transferring the remaining household to a more suitable property.

CCNT will not end a tenancy during the fixed term agreement unless the tenant fails to pay rent or breaks other terms of the lease agreement, in line with their rights and responsibilities under the Residential Tenancies Act 1999 (NT).

### Tenancy end by landlord

We may decide to end a tenancy in line with the Residential Tenancies Act 1999 (NT) if the tenant has breached the rules of their Residential Tenancy Agreement.

We will support the tenant to fix any issues before we decide to end a tenancy. CCNT will only end a tenancy when our tenant has breached their tenancy agreement more than once, where there is a serious breach of the tenancy agreement or when there is violence to other people or serious property damage.

- Management reasons: We may ask a tenant to move from their current property for management reasons which could include:
  - under/over occupancy
  - the number of people living in the household isn't suitable for the property
  - the property is needed to house another person. For example, where the property was modified for wheelchairs and the current occupants don't need that type of property.
  - to develop, sell or renovate the property, in-line with the terms, conditions, and notice periods in the Residential Tenancies Act 1999 (NT)
  - where the tenant is no longer eligible for Community Housing
  - where we have reasonable grounds for believing the tenancy has been abandoned.

If we end a tenancy because the tenant is no longer eligible for a particular housing program, the tenant has the right to appeal our decision about their eligibility.

In the case of a tenant swap or transfer, the tenancy agreement is terminated and a new one is entered, if appropriate, depending upon the circumstances.

### Death of a tenant or household member

If a tenant or household member dies, it must be reported as soon as practical. When a tenant dies, the landlord or the tenant's legal representative will give notice to the other person. Tenancy termination date following a tenant death may be before the end of the fixed term for fixed term agreements.

Where CCNT give a tenant's legal representative a notice of termination, vacant possession can be given to us at any time before the date specified in the notice of termination. CCNT will only charge rent up until the date of the tenant's death. The

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legal representative will be responsible for maintaining the tenancy until vacant possession is given.

In understanding that there may be cultural or religious reasons why the legal representative of the deceased tenant needs to keep possession of the property for a period of time after the tenant's death, we will consider any such requests on a case-by-case basis. Where the tenant dies and there are other authorised and eligible household members living in the property, they may apply to take over the tenancy provided CCNTR eligibility and allocations policy principles are met.

CCNTR will always meet our legal duties when we are giving notice to end a tenancy. We will give notice to end the tenancy in writing. The notice will be sent in the mail, hand delivered or put in the person's mailbox. If the tenant has nominated an email address for service, we will serve notices by email to the email address provided. Where the tenant doesn't move out by the date given on the notice, we will ask the Northern Territory Civil and Administrative Tribunal (NCAT) to end the tenancy and to order the tenant to move out of the property. The decision to apply to the tribunal to terminate a tenancy must be approved by the General Manager Programs. If the tenant doesn't move out by the date ordered by the tenancy tribunal, CCNT will apply for an order of possession of the property. The decision to apply for a warrant must be approved by the General Manager.

### Notice Periods

If either the tenant or CCNT want to end the lease at the end of the fixed term (the original lease timeframe) 14 days written notice must be given.

Where the fixed term of the lease has ended and the tenant is continuing a periodic agreement, the tenant must give at least 14 days' notice. The landlord must give 42 days' notice in this circumstance.

If premises flooded, unsafe or uninhabitable – either the landlord or tenant may terminate a tenancy by 2 days' notice.

Where drug premises order made the landlord may terminate the tenancy by 14 days' notice to the tenant in accordance with section 101 of the RTA 1999 NT.

The landlord may terminate a periodic tenancy (other than for a breach) without specifying a ground for the termination by issuing a 42 days' notice to the tenant in accordance with section 101.90.

### End of tenancy cleaning and repairs

The tenant is responsible for returning the property to CCNT in the condition that it was in at the start of the tenancy (apart from fair wear and tear). Upon termination of a tenancy, CCNT tenancy and property staff will conduct an end of tenancy inspection, and talk with the tenant about any damage, cleaning issues, or unauthorised changes to the property. In line with the vacancy maintenance process, the tenant will be given a chance to fix any issues or clean the property. A daily fee for each day that the

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tenant has possession of the property will be charged. Where the tenant fails to fix the issues, CCNT will engage a contractor to undertake the work and will seek payment from the tenant accordingly.

### **Final rent payment**

The tenant is required to pay rent until the date that the property is handed back.

### **More information about ending a lease agreement**

CCNT operates our tenancy management and tenancy support services in line with the requirements and resources provided by Consumer Affairs NT.

All our tenants can access information and resources from Consumer Affairs NT guide to renting and the Tenants Advice Service provided by Darwin Community Legal Service.

This Policy should be read in conjunction with the assets maintenance policy, housing eligibility and allocations, and the tenant handbook.

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