



Servants Community Housing Limited

ABN: 86 623 370 034

Eviction Policy

Purpose

Servants Community Housing is committed to secure and sustainable tenancies. Every resident deserves to feel safe and to be at home in a peaceful environment.

This policy covers the eviction of a resident within the legal requirements of the Residential Tenancies Act 1997 and the Servants Community Housing Residential Agreement. The policy operates from a perspective of supporting vulnerable residents to sustain their residencies. Our policy ensures we treat each resident fairly and ensure that all residents living at a Servants house enjoy living there.

We are committed to aligning our Eviction Policy with the Victorian Charter of Human Rights and Responsibilities and view the eviction of a resident as the last port of call. Residents can expect us to inform them of all their rights and channels of support during any eviction process.

Definitions

Staff member - the CEO, Tenancy Manager, House Manager, Operations Manager or Facilities Manager

VCAT - Victorian Civil and Administrative Tribunal

Policy

Servants Community Housing seeks to sustain all tenancies, however in some cases a tenancy must be ended. Where a resident has breached a term of their Residential Agreement, they will be advised in writing and given every opportunity and all possible support and assistance to rectify the problem.

If a resident does not make any effort to rectify the problem, they will be at risk of being evicted. Circumstances that may lead to an eviction include:

- Damage
- Danger
- Disruption of peace
- Non-payment of rent
- Failure to comply with a VCAT order
- Successive breaches
- Illegal use of the room

Procedure

- A *Notice to Vacate* is sent via registered post and delivered by hand to the resident from a staff member
- The *Notice to Vacate* will explain the details and reasoning behind the notice
- The *Notice to Vacate* will include a termination date
- If the resident fails to vacate, an application will be made to VCAT for a hearing. The resident will be provided with a copy of this application.
- At the hearing, each party will be provided an opportunity to explain their point of view to the VCAT member.
- The VCAT member will decide on the case. Decisions can include issuing an:
 - **Possession order** – a legal document stating you must move out.
 - **Order of compliance** – either party (Servants and/or you) is required to follow directions set by the VCAT Member
 - **Order of consent** – either party (Servants and/or you) must take a certain action by a particular date (i.e. make a rent payment, agree to a payment plan)
 - **Dismissal** – no action will be taken and you will be allowed to stay living in your room.
- If a *Possession Order* is given and the resident has not vacated by the listed date, Servants will apply for a *Warrant for possession*. The warrant will then be handed to the local police. This will give the police the power to evict you. The police will attempt to contact the resident in advance, warning them that they will be removed from the property if they do not comply. Only the police can evict a resident and only when they have a warrant of possession from VCAT.
 - If a resident is removed with belongings left behind, the room will be cleaned. Refer to the Goods Left Behind Policy for further information.

At all stages of an eviction process, Servants is committed to communicating with the resident to ensure they are fully informed of what is happening.

We encourage each resident facing eviction to consult advice from the Tenants Union of Victoria, Consumer affairs, and Victorian Legal Aid.

Related policies

Arrears Management and Hardship Policy

Code of Conduct Policy

Goods Left Behind Policy

Inspection Policy

Maintenance and Repairs Policy

Legislation and standards

This policy implements the obligations of Servants under:

- Residential Tenancies Act 1997
- Housing Act 1983 (Vic)
- Guidelines for Registered Housing Agencies published by DFFH
<https://providers.dffh.vic.gov.au/guidelines-registered-housing-agencies>
- Performance Standards for Registered Housing Agencies

Transparency and Accessibility

This policy is available on the Servants Community Housing website

<https://www.servants.org.au/policies-procedures/>

Review

This policy was written in April, 2019. It was reviewed in August 2022. It is rescheduled for review in April 2024.