



EVICCTIONS POLICY

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1. PURPOSE

To provide clear guidelines for SPCHG staff on the eviction of tenants from SPCHG housing.

2. SCOPE

This policy applies to all SPCHG housing.

3. PRINCIPLES

The final step for tenant evictions within SPCHG housing is undertaken in a way that meets the following principles:

- Eviction is only undertaken as a last resort after all other reasonable options have been explored and ruled out.
- Eviction is undertaken in a way that respects the human rights of the person being evicted as expressed in the Victorian Human Rights Charter.
- Eviction is carried out in a way that respects the dignity of the person being evicted. Eviction is carried out in a way that ensures the physical and emotional safety of the person being evicted, other tenants and SPCHG staff.

4. PROCEDURES

4.1 SPECIFIC CIRCUMSTANCES

Eviction will occur only in the following circumstances:

4.1.1 Rent Arrears.

The following four conditions must all be met for an eviction to occur in relation to rent arrears.

- An Order of Possession has been issued at a VCAT Hearing.
- SPCHG staff have made at least three attempts, within two weeks of the VCAT Hearing, to contact the tenant in order to negotiate a plan to repay rent arrears and, if required, a plan to get access to relevant support services.
- The tenant has failed to make any reasonable attempt to repay rent arrears, to negotiate repayment arrangements or to obtain external advice or assistance.
- The tenant has continued to fail to pay rent.

4.1.2 Antisocial Behaviour.

The following conditions must all be met for an eviction to occur in relation to antisocial behaviour.

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- i. An Order of Possession for antisocial behaviour has been issued at a VCAT Hearing
- ii. SPCHG staff have made an attempt, within two weeks of the VCAT Hearing, to meet with the tenant and discuss the reasons for the Order of Possession, the behaviour that is required for eviction not to occur, the relevant support services that are available and a plan to get access to support services.
- iii. The tenant has failed to demonstrate any willingness, or capacity, to change the antisocial behaviour.
- iv. There has been a recurrence of the antisocial behaviour since the VCAT Hearing.

4.1.3 Serious Violence or Serious Ongoing Danger.

The following conditions must all be met for an eviction to occur in relation to serious violence or serious ongoing danger.

- i. The tenant lives at a SPCHG multi-unit property.
- ii. One of the SPCHG Housing Team has been identified as the On-site Manager for that property.
- iii. The On-site Manager has reasonable grounds to believe that a serious act of violence by the tenant, or their visitor, has occurred at the property. Or has reasonable grounds to believe the tenant, or visitor, represents an ongoing danger to the safety of any person at the property.
- iv. The tenant or visitor has not already been given a Notice to Vacate for the act of violence or ongoing danger.

4.2 PROCESS BY WHICH EVICTION WILL BE CARRIED OUT.

4.2.1 Eviction for Rent Arrears and Antisocial Behaviour – Execution of a Warrant.

The eviction process will include the following steps.

1. Ensure all specified conditions are met.
2. Complete **Application to Evict Form** documenting all relevant actions taken, and submit to the Manager Housing Operations.
3. MHO to check and submit **Application to Evict Form** to CEO.
4. CEO to sign **Application to Evict Form** as evidence of formal approval.
5. Signed **Application to Evict Form** to be scanned and filed.
6. Purchase of Warrant of Possession.
7. SPCHG staff to contact tenant and give 24 hours notice to vacant the unit and return keys.
8. If tenant does not return keys within 24 hrs, or make some other agreed time to return fob/key, SPCHG staff to attend unit with police, ensure the unit is secure and either change locks or cancel the tenant's fob.
9. Tenant to be provided with a list of crisis/emergency housing or referral agencies.

4.2.2 Eviction for Serious Violence or Serious Ongoing Danger – Notice to Leave.

The eviction process will include the following steps.

1. Ensure all specified conditions are met.
2. Contact police and request attendance.
3. Complete **Application to Evict Form** and submit to the Manager Housing Operations.
4. MHO to check and submit **Application to Evict Form** to CEO.



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5. CEO to sign **Application to Evict Form** as evidence of formal approval.
6. Signed **Application to Evict Form** to be scanned and filed.
7. At least two SPCHG staff to attend the property once police are in attendance.
8. SPCHG staff to give a Notice to Leave (prescribed form) to the tenant/visitor as soon as it is possible to do this in safety.
9. SPCHG staff to request police to ensure the tenant/visitor leaves the property.
10. SPCHG staff to cancel tenant fob.
11. SPCHG to communicate with other tenants at the property and ask them to call police if the person returns to the property.
12. SPCHG staff to take statements from other tenants/visitors in relation to the violence and/or ongoing danger to the safety of other tenants.
13. SPCHG staff to formally notify the Principal Registrar of the Notice to Leave by the end of the next business day and request an Urgent Tribunal Hearing under section 374.
14. SPCHG staff to prepare documented evidence for Hearing – normally with 2 days.

(For details of the RTA on Violence see Part 8. Section 367. Page 308. [..\..\..\SPCHG Documents\HOUSING PROGRAM\RTA\RTA 2019.pdf](#))