



Ending Tenancies by Legal Action Policy		Tier: 3	
		Revision: 1.1	Date Approved / Effective: 16/03/2023
Prepared by: Business Performance Manager	Reviewed by: GM Housing Operations	Approved by: Executive Management Team	Review Date: 07/10/2027

1. Purpose

This policy provides direction on the circumstances under which Loreto Community Housing will consider ending a tenancy by legal action.

2. Scope

This policy applies to all employees of Loreto Community Housing.

3. Definitions

Stay of legal action	A ruling by the Court to stop or suspend a proceeding or trial temporarily or indefinitely.
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4. Policy

Although we make efforts to ensure that tenancies are sustained, Loreto Community Housing will consider eviction where a serious breach of the tenancy agreement has occurred and where other actions have failed.

Ending a tenancy by legal action may also be pursued when we require a property for redevelopment, sale, renovation, re-allocation due to specific features or another purpose allowed under the Residential Tenancy Act (1997) and the sitting tenant has refused an offer to move to a different home.

All Notices to Vacate and eviction processes are undertaken in accordance with The Residential Tenancy Act (1997) and other relevant legislative process.

All legal action and potential evictions must be approved by a Senior Tenancy Officer, the Tenancy Operations Manager or General Manager, Housing Operations.

4.1 Breaches of tenancy agreement.

A breach is where a tenant has acted in a way that conflicts with the terms and conditions of their Tenancy Agreement (lease). Loreto Community Housing views some breaches as more serious than others.

A serious breach would include (but are not limited to):

- Severe damage to the property by the tenant, a family member or visitors.
- Actual or threatened violence towards others.
- Repeated and ongoing failure to pay rent.
- Repeated and consistent failure to keep the property clean and tidy.
- Use of the property for crime.

Threats, risks or abusive behaviour towards our staff will always be viewed as a serious breach of tenancy.

4.2 Tenancy support

Loreto Community Housing has a Client Support Program which tenants can be referred to, with their consent. The program's aim is to work with tenants to sustain their tenancies by providing support and referral coordination. Tenancy Officers and Client Support Coordinators (if involved) will continue to work with a tenant to fix the breach, even after legal action to end the tenancy has started (provided it is considered safe to do so). In some cases, if the tenant fixes the breach, legal action to end the tenancy will be stayed or withdrawn.

Legal action will not be withdrawn if the issues have been ongoing over a long period of time and the tenant repeatedly breaks their agreement or refuses to work with us.

4.3 Exit planning

Where possible, Loreto Community Housing will try and limit the impact of eviction by developing an Exit Plan with the tenant. Exit plans provide referrals to accommodation support services. They also contain information about debt payment and what a tenant is required to do to avoid additional charges. The plan will also outline the impact outstanding charges have on future housing eligibility.

5. Related Documents:

- Tenant Charges policy
- Abandoned goods policy
- Abandoned goods procedure