

Tenant Damage Policy

Purpose

The purpose of this policy is to identify tenants' liability for damage to a property that they lease from Housing Trust.

Policy

Tenants can expect Housing Trust to provide them with a home that is in good condition and to maintain that condition throughout the life of the tenancy.

Tenants are expected to take good care of their home and to take responsibility for property damage other than that caused by fair wear and tear or the criminal activity of a third person.

Housing Trust will charge tenants for damage to a property in accordance with tenants' responsibilities as per the Residential Tenancies Act 2010. Housing Trust will charge tenants for damage to their home if they accept liability or if Housing Trust has sufficient evidence of the tenants' responsibility.

Damage to the premises that is the tenants' responsibility includes but is not limited to:

- Damage that is intentional
- Failure to take care to prevent damage (neglect)
- Failure to keep the premises in a reasonably clean condition
- Failure to restore the premises to the condition at the start of the tenancy, after allowing for fair wear and tear

If the tenant is responsible for repairing damage Housing Trust may allow the tenant to undertake these repairs themselves at their own cost. These repairs must be completed in a tradesman like manner. Repairs not completed in a satisfactory manner may be attended to by Housing Trust at the cost of the tenant. Repairs tenants cannot complete themselves include:

- Electrical repairs
- Structural damage to the property
- Security repairs (eg. external doors)
- Safety repairs

These repairs will be completed by Housing Trust using a qualified tradesperson and charged to the tenant.

If the tenant does not wish to complete the repairs themselves Housing Trust will arrange for the repairs to be completed. Any charges associated with these works will be charged to the tenant. Housing Trust may request the tenant make payments towards tenant damage maintenance prior to works being arranged.

Housing Trust will apply *Housing Trust's Arrears Management Policy* when following up unpaid tenant charges.

Criminal Activity

In the circumstances of criminal activity by someone other than the tenant, their household or an invited guest, the tenant will not be charged if:

- sufficient evidence is provided to Housing Trust demonstrating the damage was caused by criminal activity and that they have reported the matter to the NSW Police. Evidence may include witness/victim statement, police report, or a police event number and statutory declaration outlining how the damage was caused; and
- the damage is reported to Housing Trust and evidence is provided within fourteen (14) days of the damage occurring.

A police event number on its own may not be accepted as sufficient evidence of criminal activity. In cases where an event number is provided, Housing Trust will request further information from NSW Police to confirm the event number provided relates to the damage reported to Housing Trust.

Domestic Violence

In line with *Housing Trust's Identifying and Responding to Domestic and Family Violence Policy*, a tenant who is a victim of a domestic violence offence will not be liable for property damage caused by the perpetrator as part of a domestic violence incident. Other co-tenants at the property who are not the perpetrator of that violence will also not be liable for that damage.

Only the perpetrator of domestic violence will be liable for any property damage caused by their violence.

Tenants may be required to provide evidence that the property damage was caused due to a domestic violence incident. Evidence may include:

- Police Event number
- Support letter from a support provider
- Provisional, interim or final Domestic Violence Order

Repeat or Serious Incidents of Tenant Damage

Where Housing Trust has sufficient evidence of repeat or serious incidents of damage that the tenant is responsible for, Housing Trust may take action before the NSW Civil & Administrative Tribunal (NCAT) to end the tenancy.

Right of Appeal

If an applicant believes Housing Trust has made a wrong decision a formal review of the decision should be requested within twenty-eight (28) days. To do this, the tenant is required to complete a Housing Trust Appeals Form stating why they disagree with the decision. *Housing Trust's Appeals Policy* and form are available by contacting the Housing Trust office or alternatively, may be downloaded from our website www.housingtrust.org.au

If the appellant is not satisfied with the outcome of the internal appeal they can make an appeal to the Independent Housing Appeals Committee (HAC). HAC is an independent appeals agency for all NSW Social Housing clients.

Housing Trust will advise the appellant on how to lodge an appeal with HAC. Alternatively HAC may be contacted directly by visiting www.hac.nsw.gov.au or by calling 1800 629 794.

Reference or Related Documents

Internal

Policy:

1. Arrears Management Policy
2. Identifying and Responding to Domestic and Family Violence Policy
3. Child Protection and Wellbeing Policy
4. Tenants' Rights and Participation Policy

Flow Chart:

1. Tenant Damage Maintenance Flow Chart

Procedure:

1. Arrears Management Procedure
2. Identifying and Responding to Domestic and Family Violence Procedure
3. Child Protection and Wellbeing Procedure

External

1. Residential Tenancies Act 2010
2. Residential Tenancy Agreement
3. Independent Housing Appeals Committee (HAC) www.hac.nsw.gov.au
4. NSW Civil and Administrative Tribunal (NCAT) www.ncat.nsw.gov.au

Policy Version Control

Version	Details of Improvements	Release Date	Approval/Release Details
V 1.0	Original Policy titled Tenant Charges Policy reviewed & appropriate changes made in line with best practice & legislation.	20.09.2016	Approved for release by GM:CC
V 2.0	Reviewed and renamed Tenant Damage Policy. Reviewed and endorsed by Tenant Advisory Group (TAG) on 27.02.2019 and Executive Leadership Team on 29.03.2019. On release of this policy the Tenant Charges Policy V 1.0 dated 20.09.2016 will be retired	14.06.2019	Approved for release by Amanda Winks Chief Housing Officer