

Termination of a Tenancy

Policy

Date effective: 16 December 2016

1. Policy Statement

This policy explains how a tenancy may be terminated.

2. Purpose

It is important to be clear on when and how a tenancy will be terminated, to ensure that the needs of the client are carefully considered alongside the objectives of the Department of Housing and Community Development ('the Department').

3. References

Rent policy
Tenancy Agreement Breach policy
Vacating policy

4. Scope

This policy applies to all public housing tenancies.

5. Roles and Responsibilities

Roles	Responsibilities
Front-line staff	<ul style="list-style-type: none">End a tenancy if it is voluntarily terminatedRefuse to renew a tenancy agreement
Manager	<ul style="list-style-type: none">Recommend a tenancy be terminated for breaches of the tenancy agreement
Northern Territory Civil and Administrative Tribunal	<ul style="list-style-type: none">Required to declare a dwelling abandoned if Housing is unsure of the situation, or if the rent is still being paid for the dwellingHas the power to terminate a tenancy if requested to do so by the Department or the tenant
Court	<ul style="list-style-type: none">Can terminate a tenancy under certain conditions such as serious breach of the tenancy agreement or unacceptable conduct

6. Policy details

A tenancy can end by:

- Voluntary termination by the tenant
- Termination by the Department due to a breach of the tenancy agreement
- Refusal of the Department to renew a tenancy agreement
- Abandonment of the dwelling by the tenant
- Termination by the Northern Territory Civil and Administrative Tribunal or the Court
- Death of the tenant

6.1. Voluntary termination

A tenant may voluntarily terminate their tenancy agreement without specifying grounds by giving 14 days notice in accordance with section 101 of the *Residential Tenancies Act*. Notice must be in writing and signed by the tenant, or if there is more than one tenant, each of them.

6.2. Termination by the Department

The Department will only terminate a tenancy as a last resort. The objective is always to work with the tenant to produce a sustainable and satisfactory tenancy. However, the Department can terminate a tenancy if there have been breaches of the tenancy agreement.

The Department may also terminate a tenancy agreement if the dwelling has become uninhabitable, or if a drug premises order has been made.

6.3. Non-renewal of the tenancy agreement

The Department has a duty to provide public housing to those most in need, and in some instances the only option is to end the tenancy so that other clients can be assisted.

The Department may not renew a tenancy agreement if:

- The tenant has become ineligible for public housing
- The tenant has refused to transfer to the correct entitlement
- The tenancy remains unsatisfactory despite the efforts of the Department to assist the tenant

6.4. Abandonment of the dwelling

In some instances a tenant will vacate a dwelling without informing the Department. When staff have reason to believe a dwelling has been abandoned, a letter will be hand-delivered to the dwelling. If the tenant fails to respond to the letter then the property may be deemed abandoned. If the rent is still being paid, or if there is any doubt as to whether the property has been abandoned, an application to the Northern Territory Civil and Administrative Tribunal will be made to have the property declared abandoned.

6.5. Termination by Northern Territory Civil and Administrative Tribunal or the Court

In certain circumstances a tenancy may be terminated by the Northern Territory Civil and Administrative Tribunal or the Court. The Tribunal can make an order for repossession of the dwelling.

6.6. Death of tenant

Housing recognises that the death of a tenant can be a difficult time with many administrative and legal obstacles for other residents to continue in public housing. As such, the Director has discretion to make alternate decisions in instances which do not conform to the circumstances outlined in this policy.

After the death of a tenant, the Department appreciates but does not require written advice regarding the dwelling. A death certificate is not required.

If the death leaves a partner living in the dwelling who is not on the tenancy, the Department may sign a new tenancy agreement with that person at the discretion of the Director, providing the person is eligible and entitled to the type of dwelling.

If the death results in children remaining unsupervised in the dwelling, Department staff should immediately inform Territory Families (Hotline 1800 700 250) and thoroughly document the proceedings. The Territory Families are responsible for the children from this point.

The Department may allow recognised occupiers (residents not signatory to the tenancy agreement) to continue residing in the dwelling for up to six weeks whilst they arrange alternative accommodation, including children if this is requested by the Territory Families. If no signatories to the tenancy agreement remain in the dwelling, rent will not be charged during this time as rent can only be charged to a tenant who has signed a tenancy agreement.

7. Document change control table

Release Date	Version Number	Approved by (position)	Section amended	Category
16/12/2016	3.01	Director Policy	all	Editorial amendments
4/07/2016	3.00	Chief Executive Officer	all	Revised
19/10/2015	2.00	Director Policy	all	Editorial amendments
2/09/2013	1.00	Executive Director, Housing Operational Client Support	all	New separate policy derived from Housing Services Operational Policy Manual, Chapters 9 and 10