

Vacating

Policy

Date effective: 30 January 2017

1. Policy Statement

This policy outlines how a Department of Housing and Community Development ('the Department') dwelling may be vacated by a tenant.

2. Purpose

This policy will assist staff and tenants in understanding their rights and responsibilities during the vacating process.

3. References

Residential Tenancies Act
Debt Management policy
Inspections policy
Provision of Tenancy References policy
Termination of a Tenancy policy

4. Scope

This policy applies to all clients who are vacating a public housing dwelling.

5. Roles and responsibilities

Roles	Responsibilities
Front-line staff	<ul style="list-style-type: none">• Inform the tenant of their rights and responsibilities before the end of the tenancy• Offer the tenant a pre-vacate inspection• Complete a condition report at the end of the tenancy• Calculate any money owed for cleaning and maintenance• Return any leftover portion of the bond to the client
Managers	<ul style="list-style-type: none">• Final decision on the amount owed by the client for cleaning and maintenance, and the portion of the bond which will be returned• May apply to the Northern Territory Civil and Administrative Tribunal if a client refuses to vacate a dwelling

6. Policy details

6.1. Legislative Basis for Vacating a Dwelling

Vacating a dwelling follows the provisions of the *Residential Tenancies Act*. A dwelling must be vacated if the tenancy agreement has been terminated. Refer to the Termination of a Tenancy policy for more details. If a tenant refuses to vacate a dwelling or contests the grounds under which the tenancy has been terminated, then the Department may apply to the Northern Territory Civil and Administrative Tribunal to regain possession of the dwelling.

6.2. Condition report

For the Department, the primary issue when a tenant vacates is the condition of the dwelling; specifically, whether any cleaning and maintenance is necessary before the dwelling can be re-let. This requires a condition report, and a post-vacate inspection. The Department will offer a pre-vacate inspection to the tenant; however the tenant is not obliged to accept it. See the Inspections policy for more details.

6.3. Bonds and debts

For the tenant, the primary issue is usually the return of the bond. Bonds will be reimbursed within 7 business days after the tenant gives up vacant possession, less any amount entitled to be retained under the *Residential Tenancies Act* (section 112). Failure to return the keys to the Department will incur significant charges as the dwelling locks will need to be replaced.

If the debt incurred by the tenant is for cleaning, maintenance, or rental arrears and is in excess of the bond then no bond money will be returned and the tenant is liable for the remaining amount. Failure to repay this debt may render a tenant ineligible for public housing in the future.

7. Document change control table

Release Date	Version Number	Approved by (position)	Section amended	Category
30/01/2017	1.02	Director Policy	all	Editorial amendments
26/10/2015	1.01	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, Chapter 9