

Vacating

Policy

Date effective: 20 August 2019

1. Policy statement

This policy outlines how a Department of Local Government, 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. Scope

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

4. 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 an outgoing condition report at the end of the tenancy.• Calculate any money owed for cleaning and /or tenant damage.• Return the security deposit (bond) to the client, less any amount the Department is entitled to retain.
Managers	<ul style="list-style-type: none">• Confirm the balance of tenancy related charges that are valid.• Final decision on the amount of security deposit (bond) the Department is entitled to retain.• May apply to the Northern Territory Civil and Administrative Tribunal if a client refuses to vacate a dwelling.

5. Policy detail

5.1. Legislative Basis for Vacating a Dwelling

Vacating a dwelling follows the provisions of the *Residential Tenancies Act 1999*. 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.

5.2. Outgoing 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.

The Department will offer a pre-vacate inspection to the tenant; however the tenant is not obliged to accept it.

An outgoing inspection is conducted when a tenant gives up vacant possession of the premises to the Department, including when the premises is abandoned. The tenant is invited to attend the outgoing inspection. An outgoing condition report is completed during this inspection. See the Inspections policy for more details.

5.3. Security deposit (bond) and debt

For the tenant, the primary issue is usually the return of the bond. The tenant is entitled to have the security deposit (bond) returned to them at the end of the tenancy, less any amount the Department is entitled to retain.

At the end of a tenancy, the Department will confirm the balance of tenancy related charges that are valid in line with the Debt Management policy. The security deposit may be retained by the Department to pay tenancy related charges owed in accordance with section 112 of the *Residential Tenancies Act 1999*.

Failure to return the keys to the Department will incur significant charges to the outgoing tenant, as the dwelling locks will need to be replaced.

6. Discretionary decision making

Discretion can be applied to this policy using the Discretionary Decision Making policy.

7. Complaints and/or appeals

If a client is not satisfied with either a decision or action of the department, they can access the department's complaints and/or appeals processes. For further information, please refer to the Complaints and/or Appeals policies.

8. Review of the policy

If at any time the legislative, operating or funding environment is so altered that the policy is no longer appropriate in its current form, the policy shall be reviewed and amended accordingly.

9. References

9.1. Legislation

Residential Tenancies Act 1999

9.2. Policies

Appeals policy

Complaints policy

Debt Management policy

Discretionary Decision Making policy

Inspections policy

Termination of a Tenancy policy

10. Document change control table

Release Date	Version Number	Approved by (position)	Section amended	Category
20/08/2019	2.00	Chief Executive Officer	all	Revised
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