

HOA03.9 Tenant Recharge Policy

Purpose

This policy defines the responsibility for payment of maintenance undertaken on YWCA Housing's properties.

Scope

This policy applies to all tenancies owned and managed by YWCA Housing.

Policy Statement

- The Residential Tenancies Act (RTA) outlines the rights and duties of the tenant and the landlord which forms the basis of the Tenant Recharge Policy.
- YWCA Housing will perform repairs to ensure that the premises are maintained in good repair.
- A tenant must ensure that care is taken to avoid damaging the property.
- A tenant must take reasonable care to avoid damaging the common areas.
- YWCA Housing will seek to recover repair charges from tenants in circumstances where repairs to the premises are necessary, as a result of deliberate damage or neglect caused by the tenant, another household member or a visitor who enters the property with the tenant's permission.
- YWCA Housing will not seek to recover repair charges for wear and tear that occurs to the property through ordinary day-to-day use of the property.
- YWCA Housing may not seek to recover repair charges for damage caused by mental and physical health, instances of family violence, or third-party criminal damage.
- YWCA Housing may not seek to recover repair charges for any item, fixture or fitting at the end of its useable life or that is due to be replaced.
- The policy may not apply to circumstances where tenants, residents or visitors have caused intentional, extensive and malicious damage to the property. In these circumstances, YWCA Housing may serve an immediate Notice to Vacate and seek an Order for Possession under s243 of the RTA.
- This policy includes additional or replacement of lost, missing or damaged keys, fobs, remotes or access cards which the tenant is liable for under the RTA.

Tenant Responsibilities

Tenants will:

- Abide by the terms and conditions of their Residential Tenancy Agreement.
- Take good care of the property and keep it reasonably clean.
- Notify YWCA Housing immediately if the property has been damaged.
- Pay costs for damage that results from deliberate action, mistreatment or negligence of a tenant, household member or visitor, that has been proven, and to comply with orders to pay the cost of repairs or cleaning.
- Report to the Police any damage that is suspected to have resulted from criminal activity, such as break and enter or vandalism.
- Upon request by YWCA Housing, rectify any alterations carried out by the tenant before handing the keys back at the end of a tenancy.
- Restore the property to the condition it was in at the commencement of the tenancy;
- Return all keys, fobs or passes to YWCA Housing at the end of a tenancy.

Management of Tenant Charges

Repair Charges:

- If YWCA Housing considers that the tenant has breached their responsibilities, YWCA Housing may seek repair charges for the costs to repair the damage.
- YWCA Housing will undertake the following steps to seek to recover repair charges:
 - Inspect the premises;
 - Collect evidence of the damage sustained and how it was sustained;
 - Provide the tenant a report of repair charges incurred to recover the costs of the repairs and maintenance.
- Prior to taking any action in relation to damage to the premises YWCA Housing will investigate and confirm the tenant's responsibility for the damage.

Key charges:

- When new/replacement fobs, keys, access cards or remotes are required, the tenant will be required to pay the cost prior to collection of the new key.
- In the instance of an afterhours call out, the tenant will be required to pay the contractor directly.

Appealing Recharge Decisions

In the event a tenant disputes the amount of the tenant recharge or denies damage responsibility, YWCA Housing will advise tenants of their rights and process.

Tenants may apply to VCAT to have the condition of the premises and any damage determined by the tribunal (where applicable) as per the RTA.

Repayment Agreement

- After responsibility has been determined, a repayment agreement will be signed by both parties (if applicable).
- If the tenant accepts liability for the identified damage, the claim should be considered a substantiated tenant repair/damage charge.
- The tenant may either pay the amount in full or enter into a repayment agreement.
- If the tenant has vacated the property, a claim for the amount will be made against the bond.

Appendices

N/A

Responsibilities

YWCA's National Housing Operations Manager has responsibility for ensuring that:

- this policy is implemented, and its application monitored,
- the policy continues to comply with relevant legislation, and
- this policy is reviewed to evaluate its ongoing effectiveness.

Related Information

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| YWCA | Procedure HOA08 Vacant Maintenance |
| YWCA | Procedure HOA03.9 Tenant Related Damager |
| Legislation | Residential Tenancies Act 1997 (Vic) |
| Standards | Housing Registrar (Vic): Performance Standards |
| Standards | NRSCH: Evidence Guidelines |

| Document Control Data | |
|----------------------------|---|
| Recharge Policy | |
| Responsible Officer | Director, National Housing |
| Accountable Officer | National Housing Operations Manager |
| Application | YWCA staff involved in tenancy management |
| Supersedes | (New Policy) |

Approval and Amendment history

Review period – 2 years

| Approval Date | Version | Amendments | Next review |
|---------------|---------|------------|-------------|
| | 1.0 | | [2 years] |
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