

Policy No: BAYSA 07
Policy Title: Evictions
Review Date: April 2022

1. Purpose

This document outlines BAYSA Housing's policy and approach to ending tenancies, in line with the Residential Tenancies Act.

2. Scope

This policy applies to all BAYSA properties, tenants, and prospective tenants.

3. Policy

There are various reasons why a BAYSA Housing tenancy may end - in most cases tenants generally exit BAYSA Housing into:

- the private housing market;
- public housing; or
- long term community managed housing.

As per the [Homelessness Services Guidelines and Conditions of Funding \(section 4\)](#) THMs have an obligation to ensure that transitional housing is being appropriately utilised to enable the most effective response to homelessness. Underpinning this aim is the requirement to act within the parameters of due legal process, primarily the Residential Tenancies Act. In doing this, principles of the Victorian Charter of Human Rights must be observed at all times.

THMs will be required from time to time to issue Notices to Vacate and pursue an action for eviction through the Victorian Civil & Administrative Tribunal (VCAT). This may occur in instances where:

- there is a breach of tenancy/occupancy conditions, for example, non-payment of rent, breach of quiet enjoyment;
- tenants/occupants or their visitors are causing disruption and/or posing a risk to the health and safety of other residents or neighbours;
- period of tenancy/occupancy has expired and there are no compelling reasons to extend the period;
- or alternative long-term housing options are available, but clients refuse to take up offers without special circumstances associated with refusal.

Eviction of tenants will only be considered after all other avenues to resolve tenancy issues have been exhausted, and only after consultation with support workers.

Eviction for non-payment of rent should only be considered in instances where this has been a consistent problem throughout a tenancy and after all other avenues to resolve the issue in consultation with appropriate support services, have been exhausted.

Where possible BAYSA will afford tenants maximum notice periods, except in circumstances of endangerment and violent behaviour for which immediate suspension and/or notices to vacate are appropriate.

4. Definitions

Tenant – a tenant, occupant or resident legally residing in a BAYSA property

5. Responsibilities

BAYSA Housing Management is responsible for:

- The development, implementation and review of this Policy.

Workplace Participants are responsible for:

- Complying with this policy.

6. Policy Application

This policy will be applied in line with BAYSA Housing Funding and Service Agreement and program level procedures.

7. Legislation, Acts, Standards

[Residential Tenancies Act 1997](#)

[Homelessness Services Guidelines and Conditions of Funding \(section 4\)](#)

QIC Health & Community Services Standards 7th Ed

Human Services Standards (HSS)

8. Related Documents

NIL

9. Appendices

NIL

10. Document History

Version Number	Approval Date	Approved By	Brief Description
V1	April 2019	ED Client Services	New BAYSA Policy.
Custodian	Manager Youth Services		