

Anti-Social Behaviours and Breaching Policy

Version No.: 3.0
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 Policy owner: Director Housing and Homelessness

1 Purpose

- 1.1 The purpose of the policy is to:
- a outline Unison's approach to the management of anti-social behaviour and breaches of duties under the *Residential Tenancies Act 1997* (RTA)
 - b ensure the health and safety of all Unison renters, neighbouring community members and staff.

2 Scope

This policy is applicable to all long term and transitional renters in social and affordable housing.

3 Policy Statement

Principles

- 3.1 Unison is committed to:
- a Creating homes where people want to live
 - b Facilitating sustainable tenancies and working collaboratively with renters and support agencies to prevent tenancies from failing
 - c Fostering a safe and secure environment for all renters
 - d Understanding the personal, health, social and financial cost of tenancy breakdowns
 - e Working in line with the Victorian Charter of Human Rights and Responsibilities Act 2006
 - f Working in line with the RTA
 - g Transparent decision making
 - h Responding promptly to allegations of anti-social behaviour to ensure the safety of all residents

Application

Responding to anti-social behaviour or report of a breach

- 3.2 Reports of incidents or renter breaches can come from various sources (e.g. neighbours, contractors, police, or routine inspections). Place Managers will gather evidence from witnesses and may request further documented evidence (eg. Anti-Social Behaviour Logbook, police statements, Statutory Declaration).
- 3.3 Where a renter's behaviour places other renters, staff or contractors in danger, Unison will take action under the RTA. In considering action, Unison will prioritise the safety of others.

Investigate allegations

- 3.4** All allegations should be considered in terms of the renter/s' history, the tenancy and the evidence available. Where further evidence is required, Place Managers will investigate via other means (e.g. speaking to neighbours, property inspection, communication with support agencies).

Renter's Opportunity to respond

- 3.5** Renters are given the opportunity to respond to allegations against them and their account of an incident will be given consideration (e.g. prepare a written statement, disclose extenuating circumstances).

Finding a Solution

- 3.6** Resolving disputes and responding to challenging behaviours is a collaborative process between the renter, Unison and other parties involved.
- 3.7** Where the issue is a renter to renter dispute, Place Managers may consider organising a meeting with both renters or organise a formal mediation session. Where the behaviour does not constitute a breach under the RTA, Unison will collaborate with the renter to find a solution.

Breach of Duty Notice, Order of Compliance, Order of Possession and Eviction

- 3.8** Where there is evidence and legal reason to do so, Place Managers may issue a Breach of Duty Notice. Another breach under the same section may result in an application for an Order of Compliance at the Victorian Civil and Administrative Tribunal (VCAT).
- 3.9** If a renter/s breach/es the Order of Compliance, Unison may issue a Notice to Vacate (NTV) and make an application to VCAT for an Order of Possession. Where future breaches occur, Unison may pursue further VCAT action.
- 3.10** An eviction will not proceed without written approval from the relevant Manager, Place Management. Eviction will not be approved where the Manager believes that further action could be made to successfully maintain the tenancy, where Natural Justice or the renter's Human Rights have not been met, or where Unison's policies and procedures have not been followed.

4 Related information

- a** *Residential Tenancies Act 1997*
- b** *Victorian Charter of Human Rights and Responsibilities Act 2006*
- c** Ending a Residential Rental Agreement Policy
- d** Breach of Duty Notice
- e** Order of Compliance
- f** Notice to Vacate
- g** Incident Management Policy

5 Review of policy

This policy will be reviewed every three years as delegated by the responsible Executive.