

PURPOSE

This document defines Evolve Housing Vic Limited's (EHVL) approach to ensuring Properties are not left vacant for long periods of time.

POLICY REFERENCE	VHS002.1
POLICY OWNER	General Manager, Resident Services
APPROVED BY	Evolve Housing Ltd Board of CEO
APPROVAL DATE	1 Mar 2022
REVIEW DATE	1 Mar 2025

1. SCOPE

This policy applies to all Tenants of EHVL Properties.

2. POLICY STATEMENT

Social housing is a scarce resource and a valuable asset for those in need. EHVL maximises the benefit gained from this resource by making sure that Properties are used as homes and not left vacant for long periods of time. Consequently, when EHVL provides a property for a client, we expect them to live in the property. This policy outlines the circumstances under which EHVL will approve a Tenant's absence from their Property.

2.1 Tenant's acceptable absence from their Property

Tenants who are away from their Property for more than six (6) consecutive weeks need approval for that absence from EHVL, even if other household members will remain in the Property. Evolve will approve an absence from a Property if it is satisfied that the Tenant has an acceptable reason for being away.

Acceptable reasons for a Tenant's absence from their Property for up to six (6) months include:

- Caring for sick/frail family members;
- Hospitalisation, institutional care, respite, nursing home care or rehabilitation;
- Escaping domestic violence, harassment or threats of violence;
- Assisting with immigration matters in the Tenant's country of origin;
- Holidays;
- Employment, education or training; and
- Incarceration.

EHVL will not automatically approve repeat absences relating to holidays, employment, training or assisting with immigration matters in the Tenant's country of origin. Each request will be considered on its merits.

2.2 Obtaining approval for absences

The Tenant must obtain written approval from EHVL to be away from their home for six (6) weeks or more. EHVL may approve a Tenant being absent from their home for up to six (6) months under certain circumstances, including if it is satisfied that all rental and non-rental accounts are paid up to date at the time of the request for approval, and that the rent and non-rent charges will continue to be paid during the Tenant's absence.

EHVL may require the Tenant to provide evidence to support their absence, for example, a passport and airline ticket showing the date of return.

The Tenant must also appoint an agent to act on their behalf while they are away. Full contact details for

both the Tenant and their Agent must be provided.

2.3 Absence without approval or in excess of agreed time limit

If a Tenant is away without written approval from EHVL, or has stayed away for longer than the time approved, EHVL will try to contact the Tenant to discuss the matter including any action that is to be taken. In these circumstances, EHVL may decide to apply to the Victorian Civil & Administrative Tribunal (VCAT) for an order to terminate the tenancy and take action to regain possession of the property.

2.4 Tenants who are incarcerated

If a Tenant is going into prison, they can apply to retain their tenancy for up to six (6) months. However, if EHVL is reasonably satisfied the imprisonment will last in excess of six (6) months; EHVL may ask the Tenant to relinquish their tenancy immediately.

If the reason for imprisonment is related to a breach of the Tenancy Agreement, EHVL may take action to immediately terminate the tenancy in accordance with the EHVL Terminating a Tenancy Policy. Each case will be considered on its merits.

If the Tenant has not been released from prison at the end of six (6) months, EHVL will consider an application for succession of tenancy from a remaining household member, provided they meet all the requirements of the EHVL Succession of Tenancy Policy.

If an application for succession of tenancy is not successful, EHVL may seek termination of the tenancy through VACT.

2.5 Tenants moving into a nursing home

If the Tenant is to enter a nursing home, EHVL will not approve requests for absence beyond six (6) months. If the Tenant's stay in the nursing home is expected to be longer than six (6) months, the Tenant should relinquish their tenancy or ask EHVL to consider an application for succession of tenancy from a remaining household member.

2.6 Care of the Property while the Tenant is away

The Tenant has certain obligations while they are away from their Property. The Tenant:

- Is required to make arrangements to pay their tenancy charges, such as rent and water usage, while they are away. (During the Tenant's absence, rent and water charges will remain the same as they were prior to the Tenant going away); and
- Must make arrangements for the Property to be adequately cared for while the Tenant

is away. The Tenant must appoint an agent to act on their behalf while they are away. The

Agent:

- Must be over 18 years of age;
- Could be another household member, a family member, friend, support provider or a solicitor; and
- Must inspect the Property regularly and ensure it is maintained to the standard stated in the Tenant's Residential Tenancy Agreement.

If the Agent is not a member of the household and wants to live in the Property while the Tenant is away, the Tenant must apply to EHVL for their Agent to become an Approved Additional Occupant. Even though the Tenant must appoint an Agent to act on their behalf, the Tenant is still legally responsible for meeting their obligations under the Tenancy Agreement.

Any breaches of the Tenancy Agreement that occur while the Tenant is away may result in EHVL taking action through VACT. A serious breach may lead to termination of the tenancy.

2.7 Succession to appointed Agents

EHVL will only consider approving an application for succession of tenancy to the Tenant's Agent if they are already an Approved Occupant, or they are the Tenant's Partner and are currently living in the Property.

EHVL will consider each case on its merits. The application for succession of tenancy must meet all requirements of the EHVL Succession of Tenancy Policy. If an application for succession of tenancy is not successful and the Tenant does not return to the Property, EHVL may seek termination of the tenancy through VCAT.

2.8 Review of decision and opportunity to Appeal

If the Tenant's application for absence from the Property is declined, the Tenant should first discuss their concerns with a Housing Manager. If the Tenant continues to be dissatisfied after speaking with a Housing Manager, they have the right to lodge an Appeal which will be assessed in accordance with the EHVL Appeals Policy.

3. DEFINITIONS

- Agent – a person who is at least 18 years of age who the Tenant has authorised to act on the Tenant's behalf while the Tenant is absent from their Property.
- Appeal - a disagreement by a Tenant with a decision made by EHVL that affects their tenancy, and which the Tenant has requested be reviewed.
- Approved Occupant (or Approved Additional Occupant) - a person, in addition to the Tenant, who is approved in writing by the Landlord to reside in the Property.
- Landlord – EHVL (as it grants the right to a Tenant to occupy residential premises under a Residential Tenancy Agreement).
- Partner – the person an individual is married to, or in a registered or de facto relationship with, as defined from time to time by Centrelink.
- Property – the property or residential premises as described in the Residential Tenancy Agreement between EHVL and the Tenant.
- Residential Tenancy Agreement (or Tenancy Agreement) – a written agreement between EHVL (as Landlord) and a Tenant, which governs the terms on which that Tenant occupies the property described in the Agreement.
- Tenant – a person who signs the Residential Tenancy Agreement with EHVL and who has certain rights and obligations under that Agreement. (A Tenant is also a Resident.)
- VCAT - Victorian Civil & Administrative Tribunal is an independent statutory body which resolves disputes including tenancy and other residential property issues. VCAT decisions must be followed and are enforceable.

4. RELATED RESOURCES

- EHVL Abandonment of a Tenancy Policy
- EHVL Appeals Policy
- EHVL Succession of Tenancy Policy
- EHVL Terminating a Tenancy Policy
- EHVL Visitors or Additional Occupants Policy
- *Residential Tenancies Act 1997* (Vic)
- www.dffh.vic.gov.au/

This policy is subject to change from time to time at the discretion of EHVL. Any approvals required under this policy will be granted in accordance with the Evolve Housing group Delegations of Authority Policy. If you have any specific questions regarding this policy, please contact EHVL on 1800 693 865 or email your enquiry to myevolve@evolvehousing.com.au.

5. VERSION CONTROL

VERSION	Date Approved	Author	Key Changes
1.0	1/03/2022	GAL	Policy adopted