

## PURPOSE

This Policy outlines how Evolve Housing Vic Limited (EHVL) responds to antisocial behaviour effecting properties under our management.

<b>POLICY REFERENCE</b>	VHS245.1
<b>POLICY OWNER</b>	General Manager, Resident Services
<b>APPROVED BY</b>	Evolve Housing Ltd CEO
<b>APPROVAL DATE</b>	1 Mar 2022
<b>REVIEW DATE</b>	1 Mar 2025

## ANTISOCIAL BEHAVIOUR MANAGEMENT POLICY

### 1. SCOPE

This policy applies to all tenancies managed by EHVL.

### 2. POLICY STATEMENT

Antisocial behaviour is behaviour, which disturbs the reasonable peace, comfort or privacy of other tenants or neighbours, or the surrounding community that results in a breach of the tenancy agreement under the provisions of the *Residential Tenancies Act 1997*.

EHVL residents have the right to the reasonable peaceful enjoyment of their property and to live in peace and harmony with their neighbours. Antisocial or illegal behaviour may put the safety of families and neighbours at risk.

EHVL will generally not intervene in a neighbourhood dispute or investigate allegations unless there is an alleged breach of the tenancy agreement. EHVL encourages tenants to resolve neighbourhood problems themselves, or with the assistance of mediation services. EHVL may refer tenants to Justice Service Centres for assistance when appropriate.

#### 2.1 Categories of antisocial behaviour

Types of antisocial behaviour EHVL may need to deal with can include criminal and illegal activities, physical violence, harassment, and other inappropriate actions by tenants, other household occupants and visitors that cause deliberate or reckless damage to an EHVL property or place the safety/wellbeing of others at risk.

It is not the role of EHVL to carry out criminal investigations. Such investigations are the responsibility of the Victorian Police.

Under the *Residential Tenancies Act 1997*, EHVL can only take action through the Victorian Civil and Administrative Tribunal (VCAT) in relation to the following matters:

- Use of the premises which is the subject of a Residential Tenancy Agreement with EHVL for an illegal purpose;
- Damage to a premises which is the subject of a Residential Tenancy Agreement with EHVL;
- Behaviour that endangers the safety of neighbours by a Tenant, Occupant or their Visitors;
- Serious nuisance or interference with the reasonable, peace, comfort and privacy of a neighbour by a Tenant, Occupant or their Visitors.

EHVL describes antisocial behaviour in the following four categories:

- Illegal Behaviour
- Damaging Behaviour
- Dangerous Behaviour
- Behaviour which is a Nuisance or Interference

#### 2.1.1 Illegal Behaviour

This is behaviour which may result in criminal charges and/or conviction. Examples of illegal behaviour may include but are not limited to:

- Committing injury towards a neighbour or visitor which constitutes grievous bodily harm;
- The use of the property for the manufacture, sale, cultivation or supply of any prohibited drug;
- The use of the property for storing unlicensed firearms;
- The use of the property for a show cause offence within the meaning of the *Bail Act 1977*;
- The use of the property as an illegal brothel;
- The use of the property for the production or distribution of child abuse material;
- The use of the property to facilitate organised car or boat rebirthing; and
- Physical assault or acts of violence against other tenants, neighbours or EHVL staff.

#### 2.1.2 Damaging Behaviour

This is behaviour which causes significant damage to an EHVL property. This can be either negligent, reckless or intentional damage to an EHVL property, including individual tenant's properties and common areas.

#### 2.1.3 Dangerous Behaviour

This is behaviour which poses a risk to the safety and security of residents. Such behaviour may include but is not limited to:

- Threats, abuse, intimidation or harassment towards neighbours, visitors, EHVL staff or EHVL contractors;
- Victimisation and intimidation towards neighbours or visitors;
- Provoking pets to attack neighbours or visitors;
- Hate and threatening behaviour that targets members of identified groups because of their perceived differences (e.g. race and ethnicity, gender, age, religion, sexual orientation, mental health or disability);
- Place the safety or security of a tenant, other household members, neighbours or EHVL staff at risk.

#### 3.1.4 Behaviour which is a Nuisance or Interference

This is behaviour which disrupts the peace, comfort or privacy of other tenants or neighbours. Such behaviour may include but is not limited to:

- ☐ Severely disturbing neighbours;
- ☐ Obscene language towards neighbours and visitors;
- ☐ Bullying and harassment towards neighbours and visitors;
- ☐ Noise causing nuisance e.g. loud and uncontrolled parties, excessive shouting/screaming or excessive noise from music or television;
- ☐ Environmental and common area issues e.g. vandalism, graffiti, abandoning vehicles in the front yard or common areas and refusing to remove them, carrying out noisy vehicle repairs in communal areas;
- ☐ Leaving large amounts of rubbish within the home, garden or on common areas;

- ☒ Behaviour which limits other tenants' access to common facilities, such as preventing other tenants from accessing common gardens or laundry facilities.

## **2.2 How EHVL manages antisocial behaviour**

EHVL will investigate allegations of antisocial behaviour and where appropriate may facilitate early intervention and referral to support services to minimise the escalation of antisocial behaviour and the need to resolve cases through VCAT.

EHVL aims to support vulnerable tenants and families by addressing antisocial behaviour which places them at risk of termination of a tenancy. Any reasonable suspicion that a child or young person is at risk of significant harm will be reported to the appropriate authority in accordance with EVHL Children and Young Person at Risk Policy.

EHVL staff will exercise discretion and in particular will consider the safety of victims of antisocial behaviour when making decisions on the action to be taken for substantiated incidents. When a substantiated breach of the tenancy agreement has occurred and it relates to antisocial behaviour and it is appropriate to take formal action, EHVL may respond as follows:

### 2.2.1 EHVL response to illegal behaviour

When an incident of illegal behaviour occurs, generally Victorian Police will conduct the investigation. Upon receiving information concerning the incident, EHVL may conduct its own investigation and consequently, may decide to apply directly to VCAT to seek termination of the tenancy.

### 2.2.2 EHVL response to damaging and/or dangerous behaviour

Upon receiving a report of damaging or dangerous behaviour EHVL will investigate the matter. At the conclusion of the investigation EHVL may issue a Notice of Termination followed by an application to VCAT seeking an order to terminate the tenancy. In some circumstances EHVL may apply directly to VCAT to seek termination of the tenancy.

### 2.2.3 EHVL response to behaviour which is a nuisance or interference

Upon receiving a report of behaviour which is a nuisance or interference EHVL will investigate the matter. At the conclusion of the investigation EHVL may issue a warning letter. Depending on the circumstances, EHVL may make an application to VCAT for the issue of an Order which requires an action in performance of the Tenancy Agreement, or which restrains any action in breach of the Tenancy Agreement.

A tenancy will be at risk if a tenant repeatedly breaches the terms of their Residential Tenancy Agreement through antisocial behaviour. If after the issuing of a warning letter there are further breaches of the Tenancy Agreement, or there is a breach of an Order relating to minor or moderate antisocial behaviour, EHVL may issue a Notice of Termination followed by an application to VCAT to seek termination of the tenancy.

## **3.4 Appeals and review of decisions**

In dealing with matters regarding anti-social behaviour, EHVL will make decisions about the appropriate action to be taken. EHVL has in place an Appeals Policy which provides information about which decisions can and cannot be appealed, and about the Appeals escalation process.

Making an appeal through this process is not possible where EHVL has made application to VCAT. Those matters are reviewed and decided upon by VCAT.

### 3. DEFINITIONS

- Occupant - for the purpose of this Policy, a person, in addition to the Tenant, who resides in the property.
- Residential Tenancy Agreement (or Tenancy Agreement) – a written agreement between a 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.
- Termination Notice – a Notice to Terminate Tenancy Agreement under the Residential Tenancies Act 1997
- Visitor - a person, permitted by the Tenant, who is on the property which is subject to the Residential Tenancy Agreement.

### 4. RELATED RESOURCES

- EHVL Appeals Policy
- EHVL Privacy Policy
- EHVL Terminating a Tenancy Policy
- *Residential Tenancies Act 1997* (Vic)
- [www.dffh.vic.gov.au/](http://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](mailto:myevolve@evolvehousing.com.au).*

### 5. VERSION CONTROL

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