



TENANCY BREACH POLICY

SPO18

Responsible Manager:	Executive Manager Housing Services
Head of Power:	<i>Local Government Act 2009 (Qld)</i> <i>Local Government Regulation 2012 (Qld)</i> <i>Housing Act 2003 (Qld)</i> <i>Housing Regulation 2003 (Qld)</i> <i>Residential Tenancies and Rooming Accommodation Act 2008 (Qld)</i> Housing Policy PO12
Authorised by:	Council
Authorised on:	September 2017
Implemented from:	September 2017
Last reviewed:	N/A
Review history:	N/A
To be reviewed on:	June 2019
Corporate Plan:	Environment

1. POLICY STATEMENT

- a) Community housing is a limited resource in the Torres Strait and Torres Strait Island Regional Council (Council) expects its tenants to respect the properties and communities they live in and meet their obligations under their tenancy agreement. Council places great emphasis on mutual responsibility in the relationship between Council as the lessor and community housing tenants.
- b) The General Tenancy Agreement (GTA), *Residential Tenancies and Rooming Accommodation Act* (Qld) 2008 and the *Housing Act* (Qld) 2003 set out the rights and responsibilities of both tenants and Council.
- c) Council's policies and procedures provide the means for tenancies to be managed in a pro-active manner, which aims to work with and educate tenants on how to ensure compliance with the Acts and sustain their tenancy.
- d) When either party breaches the terms of these Acts either party has the right to seek remedy of the breach.
- e) If Council becomes aware that a tenant is in breach of their responsibilities, Council will take reasonable steps to assist tenants remedy the breach.
- f) Notices to remedy a breach may be issued when:
 - i. the rent payable under a tenancy agreement has remained unpaid for at least seven days after Council's last attempt to contact tenant; or
 - ii. the tenant has breached another term of the agreement, such as:
 - a. used the premises or any property adjoining the premises for an illegal activity; or
 - b. intentionally or recklessly destroyed or seriously damaged a part of the premises; or
 - c. interfered significantly with the reasonable peace, comfort or privacy of other tenants or other tenants' use of their premises.
- g) Council must give the tenant a Notice to remedy breach within the allowed remedy period in accordance with the Acts.
- h) In seeking remedy for a breach by a tenant, Council staff must ensure that they fulfil the requirements of the Acts and the GTA.
- i) If the tenant fails to remedy the breach within the allowed remedy period Council may make an application for Dispute Resolution with the Residential Tenancies Authority.

- j) If a breach is not resolved, Council may issue a Notice to Leave, requesting that the tenant vacates the premises.
- k) If a tenant fails to vacate a property after the prescribed handover date on the Notice to Leave, Council may apply to the Queensland Civil Administrative Tribunal for a Termination Order to effectively end the tenancy.
- l) Tenants can access Council's complaint process if they are dissatisfied with a decision made by Council.

2. SCOPE

This Policy applies to all Council tenants including employees, Councillors, contractors, volunteers and agents of Council.

3. PROCEDURE

This Policy is to be applied in conjunction with Tenancy Breach Procedure SPO18-PR1.

4. AUTHORISATION

This Policy was duly authorised by Council as Torres Strait Island Regional Council Tenancy Breach Policy on September 2017 and shall hereby supersede any previous policies of the same intent.



Bruce Ranga
Chief Executive Officer

Date 3 / 10 / 2017