



SUCCESSION OF TENANCY POLICY

SPO15

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:	July 2017
Implemented from:	July 2017
Last reviewed:	N/A
Review history:	N/A
To be reviewed on:	June 2019
Corporate Plan:	Environment

1. POLICY STATEMENT

- a) Torres Strait Island Regional Council will undertake a “succession of tenancy” when there is a change in the household circumstances that require a change to the legal tenant on the original general tenancy agreement.
- b) A succession of tenancy means terminating the existing tenancy agreement and creating a new agreement for the same property, listing the new legal tenant/s in order to:
 - i. provide household members with security of tenure;
 - ii. prevent ineligible applications having a direct interest in the tenancy;
 - iii. assist Council with future debt recovery, as the legal tenant/s responsible for all debts are clearly identified.
- c) A succession of tenancy must be approved where the applicant meets the eligibility criteria stated in Social Housing Application Policy SPO10, under the following circumstances:
 - i. removing of a joint tenant
 - ii. death of a joint tenant
 - iii. death of a sole tenant
 - iv. adding a new tenant
 - v. in any other circumstances at the discretion of Council

In addition to meeting social housing eligibility criteria the following circumstances require Councillor endorsement:

- i. death of a sole tenant
 - ii. adding a new tenant
 - iii. in any other circumstances at the discretion of Council
- d) Council may use its discretion to approve applicants who are impacted by domestic violence who may not meet the social housing eligibility criteria.
- e) A tenancy will only be succeeded in accordance with Ailan Kastom practiced widely in the community concerned.
- f) Requests for a succession of tenancy where a new tenant is being added will only considered when rental debts on the current tenancy are being repaid through a payment plan agreement with Council.
- g) A succession of tenancy is not required when a tenant changes name after marriage, by deed poll or reverts to their maiden name.

2. UNDER-OCCUPANCY

- a) Where cases of under-occupancy exist, Council will engage with tenants to determine whether transferring the tenant/s to a more appropriate dwelling size is appropriate.
- b) Council will encourage the best use of resources to address under-utilisation of its housing assets.

3. SCOPE

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

This Policy is to be used in conjunction with the following procedures:

- i. Succession of Tenancy Procedure - Removing a Joint Tenant
- ii. Succession of Tenancy Procedure - Death of a Joint Tenant
- iii. Succession of Tenancy Procedure - Death of a Sole Tenant
- iv. Succession of Tenancy Procedure - Adding a New Tenant

4. AUTHORISATION

This Policy was duly authorised by Council as Torres Strait Island Regional Council Succession of Tenancy Policy on 19 July 2017 and shall hereby supersede any previous policies of the same intent.



Chris McLaughlin
Acting Chief Executive Officer

Date: 19 / 07 / 2017