

Renter Damage Policy



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| Endorsed by: | Judy Line |
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1. Purpose

This policy informs renters about their responsibility to prevent, report and compensate for damage that arises during the course of their tenancy.

2. Statement of commitment

Renter damage represents an important part of Women's Housing Ltd's (WHL) management of properties, especially when considering long term implications and costs for repairs. WHL commit to:

- Maintaining properties to a standard of good repair
- Responding to maintenance requests in a timely manner
- Abiding by the Residential Tenancies Act 1997 (Vic) when conducting inspections or issuing legal notices
- Using a MARAM compliant and trauma informed lens when handling damage that arises from a family violence incident
- Treating renters with respect and dignity when responding to renter damage

3. Responsibility for damage

3.1 Renter's responsibility

Renters will be responsible for the cost of repairs resulting from:

- Deliberate, malicious or negligent property damage caused by the renter, other people residing in the property or their visitors (e.g., damaged floor from moving furniture)
- Damage caused by misuse or neglect (e.g., mould from failure to use exhaust fan)
- Damage caused by renter modifications, whether approved by WHL or not

3.2 WHL's responsibility

Renters will not be held responsible for the cost of repairs resulting from:

- Damage attributable to the structure of the property
- Damage that is found to be accidental
 - **Note** – recurring accidental damage may be reclassified as negligent damage and the renter may be liable.
- Fair wear and tear; and
- Damage for which the renter cannot be reasonably held responsible

4. Reporting damage

Renters are legally required to report damage or maintenance to WHL as soon as possible. The sooner damage is reported, the better the chance to minimise the costs of repair, as damage can worsen if left unattended.

Renters should contact WHL's maintenance line on 9412 6868 during business hours to report damage. Renters should not wait for routine inspections to report damage.

If the damage results in serious and immediate danger, renters should contact the after-hours maintenance service by calling 9412 6868 and select 1 for long term housing or 2 for THM.

5. Assessing damage

WHL will arrange for an Asset Officer and/or approved WHL contractor to determine if the damage has occurred due to normal wear and tear, negligence or deliberate actions. WHL will issue a Notice of Entry prior to such inspections. Renters are legally obliged to permit entry for the purpose of assessing damage, and failure to do so may result in a Breach Notice.

WHL will consider any mitigating circumstances (including family violence or disability) under which the renter cannot be reasonably held responsible for the damage. WHL will require evidence from relevant specialists, support workers or police to verify this. WHL may cover the cost of repairs or contribute to a portion of the cost as a result. This is determined on a case-by-case basis. WHL can assist renters with referrals to support agencies who may be able to access funding for the repairs. All damage by third parties will require a police report to be submitted if there is no CCTV or witnesses to verify. WHL will not cover damage to renters' personal belongings (i.e., furniture) or the cost of cleaning. Renters should consider insurance options or funding from supports in these instances.

Where WHL staff believe a family violence incident may have occurred, this information will be shared with relevant parties as per the Family Violence Information Sharing Scheme and Child Information Sharing Scheme. Where there are no supports present, Tenancy Officers will utilise the MARAM Framework to conduct an intermediate risk assessment and make appropriate referrals with the consent of the renter. If there are concerns for child welfare, this may involve referrals to Child Protection.

6. Rectifying damage

Residents may elect to repair the damage themselves by using a qualified tradesperson that is approved by WHL. For information about approved tradespersons, renters should contact WHL. Only endorsed WHL tradespersons will be accepted to undertake repairs.

If the renter is unwilling to engage a suitably qualified and approved tradesperson, repairs will be undertaken by WHL and compensation will be sought from the renter. Repairs can be postponed until the property is vacant if the repairs are non-urgent, a Notice to Vacate is issued and WHL is requesting an Order of Possession at VCAT.

A decision on the appropriate action to be taken in response to damage will be based on the following:

- The Residential Tenancies Act 1997 (Vic)

- WHL’s responsibility to other renters, applicants, neighbours, WHL staff and staff from other agencies (e.g., has the damage compromised their safety or had a significant impact on other renters?)
- Mitigating circumstances and the hardship resulting from charging renters for maintenance costs or pursuing eviction
- Cultural safety considerations and alignment with the MARAM Framework

After an appropriate assessment, action to end the tenancy due to property damage is taken under the following circumstances:

- The damage is deemed to be deliberate and/or malicious
- The renter has damaged WHL property on multiple occasions
- The damage is serious in nature (e.g., meets requirements for insurance claim, has compromised safety, etc.)
- The property is unfit for human habitation and the renter refuses to leave voluntarily

Action in response to damage may take the form of:

- **Breaching** – Breach of Duty Notice for causing damage (s 61) or failing to give notice of damage (s 62)
- **Recovery of costs** – Notice of Repair (s 78) stating that WHL will repair the damage at the renter’s expense or an application to VCAT for an Order of Compensation.
- **Eviction procedures** – A Notice to Vacate based on serious damage or danger. This is applicable where damage is malicious (s 91ZI) or it endangers the safety of occupiers of neighbouring premises (s 91ZJ).

7. Compensating for damage

If a renter agrees to compensate for damage, or it is ordered by VCAT following a compensation hearing, a repayment plan can be arranged to assist the renter to pay off the debt.

Renters should contact their Tenancy Officer who can assist them to increase their Centrepay payments by a small amount each fortnight to cover the costs of the repairs. Once the debt has been fully paid off, the Centrepay can return to the rental amount.

If a renter misses a payment without a legitimate reason, WHL may pursue a VCAT Order or return to VCAT if one already exists.

8. Appealing decisions

If a renter wishes to appeal a decision about their responsibility for damage, they can contact their Tenancy Officer for the *WHL Complaints and Appeals Pack* or visit WHL’s website to obtain a copy.

Once submitted, the Operations Manager will make a formal decision to uphold or dismiss the renter charges.