

Woomera Aboriginal Corporation

## **ABSENCES AND ABANDONMENT OF PROPERTIES PROCEDURE**

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### **1.1 PRINCIPLES**

Woomera Aboriginal Corporation (WAC) understand that tenants may be away from the property from time to time, however in cases where the tenant has not notified WAC of their absence, the abandonment procedure will take effect. The procedures below apply to both WAC and AHO owned properties.

Tenants remain responsible for the payment of rent during the period they are absent from the premise.

### **1.2 SCOPE**

This policy applies to all Woomera Aboriginal Corporation (WAC) housing employees.

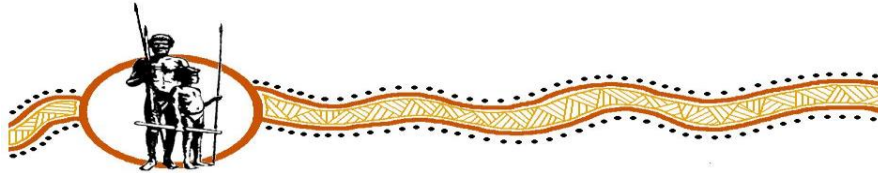
### **1.3 PROCEDURE**

#### **Absences**

- Tenants intending to be away from the premises for more than one (1) month at a time should inform the Housing Officer in writing and/or by telephone of their intentions.
- This will ensure that WAC staff do not think the premise has been abandoned and initiate unnecessary action under the NSW Residential Tenancies Act 2010.
- The Housing Officer must insert in the “agreed additional terms” of all Residential Tenancy Agreement from 22 July 2019 the following clause “if the tenant intends being away from the premises for more than one (1) month at a time the tenant is required to inform WAC in writing and/or by telephone to prevent unnecessary abandonment action being undertaken”.
- All current tenants who are subject to a Residential Tenancy Agreement prior to 22 July 2019 are to be informed in writing of this requirement and evidence is to be retained on files.

#### **Abandonment**

- WAC will consider a property abandoned when it is clear the tenant is not living there.
- The Housing Officer will conduct enquiries and carry out an inspection of the property to assess whether a property has been abandoned.
- A decision to treat a property as abandoned will be based on several factors:
  - a) Advice from neighbours that no one is living in the property and/or they have witnessed the tenant moving out.
  - b) Evidence that the tenant is not maintaining the property e.g., property appears overgrown and unkempt.
  - c) The tenant is not paying rent.
  - d) The tenant has not responded to letters, phone calls or SMS messages.
- If abandonment is clear the Housing Officer must collect evidence and take photographs to substantiate any action under the Residential Tenancies Act 2010



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- The Housing Officer should then initiate action with NCAT to terminate the tenancy and obtain immediate vacant possession.
- The application to terminate the tenancy and obtain immediate possession should include evidence collected to support that opinion i.e., photographs, copy of rent ledger.
- If NCAT rules in favour of WAC and grants termination of the tenancy and immediate vacant possession, the Housing Officer should act immediately to secure the property.
- In addition, the Housing Officer should inspect the property as soon as possible to determine if the application to NCAT for a 'compliance order' for the recovery of outstanding debts should also include the cost of repairs which are not considered reasonable wear and tear e.g., cleaning, key replacement and removal of goods left on the premises.
- If repairs are required for damage not considered reasonable wear and tear or as a result of malicious damage three (3) quotations should be sought from qualified tradespersons to undertake the repairs and maintenance as soon as possible

#### **1.4 RELATED POLICIES**

Housing Policy

#### **1.5 GUIDELINES/REFERENCES**

Abandonment of Premises - NSW Residential Tenancies Act 2010, annexure 4 sections 106 and 107.  
 Reasonable Wear and Tear - NSW Residential Tenancies Act 2010, annexure 4, section 107.  
 Goods Left on the Premises after Abandonment - NSW Residential Tenancies Act 2010, annexure 4, sections 126 to 135.

**Form:**

NCAT Tenancy Application form

Policy Area: Social Programs - Housing		
Policy Number:	Version: 3	Pages: 2
Updated by: Melissa Muir		
Approved by: Management Board		
Date: July 2019	For Review: July 2024	