

2.2.2 Tenancy Agreement



Preamble

Women's Housing Company (WHC) is a community housing association as part of the social housing system in NSW. WHC provides long term housing for single women and medium term housing through support partnerships.

We recognise the tenancy agreements as the framework for all service delivery of our organisation.

WHC is obligated to abide by the guidelines set out in the NSW Residential Tenancy Act 1987 upholding tenant rights and guaranteeing that landlord responsibilities are adhered to under all circumstances.

Women's Housing Company pursues a guarantee of written tenancy agreements for all tenancies with the organisation.

POLICY

Women's Housing Company guarantees a tenancy agreement for each occupant housed with the organisation.

The tenancy agreement stipulates the unquestionable rights and responsibilities of tenants and landlords. Consequently, these are the guiding principles for the relationship Women's Housing Company has with our tenants.

We acknowledge that for historical reasons Women's Housing Company entered into a small number of tenancy agreements signed in more than one tenant's name for shared housing arrangements.

Women's Housing Company is committed to uphold these agreements.

However, Housing Workers managing properties as part of their portfolio with such cases are directed to offer individual agreements to each party. Only if both parties agree is Women's Housing Company able to establish new leases with each tenant in their own right.

Housing Workers and the Senior Housing Manager receive an authority given to them by the Board of Directors of Women's Housing Company which allows them to sign tenancy agreements and represent the organisation at the Consumer Trader and Tenancy Tribunal as well as other tenancy related legal entities.

PROCEDURE

On employment of a Housing Worker or a Senior Housing Manager the CEO of Women's Housing Company prepares an authority to be approved and signed under seal by the next Board of Director's meeting. This authority permits tenancy agreements to be signed on behalf of WHC.

When meeting a new tenant to sign the tenancy agreement at the office, or otherwise negotiated, the WHC worker will explain the rights and responsibilities to the new tenant. The worker will ensure the verified correct spelling of the tenant and the allocated WHC property address is entered on the agreement.

All tenancy agreements are created through the mail merge function of the TMS (Tenant Management System) database to minimise mistakes.

All agreements will state the market rent of the property not the rebated rent. Market rent is set according to the Housing NSW Rent & Sales report, updated quarterly, or by the rent Women's Housing Company pays for a property rented on the private rental market. If any storage areas or garages are part of the rental property this has to be stated on the agreement.

In the unusual cases of more than one tenant occupying the premises, each agreement needs to be identifiable with a qualifier such as room 1 or 2, or first room on the right etc.

For continuation leases, the agreement is limited to a two week period and the continuation clause is not crossed out.

For fixed term leases, the agreement is limited for the agreed time and the continuation clause must be crossed out.

For leasehold properties the agreement will reflect the agreement WHC has with the Real Estate Agency, if a fixed term.

The tenant is to sign the back of the tenancy agreement, including the separate section stating that they have received a copy of the renting guide. Each tenant is requested to initial the front cover of the tenancy agreement, along with the housing worker.

Once a Housing Worker becomes knowledgeable of the fact that as part of their portfolio historic tenancy agreements have been entered with more than one tenant listed, the Housing Worker will offer the relevant tenants to sign a new lease in their own right.

The motivation for this offer needs to include;

- Rental payments and rental arrears are easier to identify and monitor if each tenant has their own tenancy agreement and subsequent entry as an individual tenant on TMS.
- In cases of breaches to the tenancy agreement of one party both parties are equally responsible if listed on one tenancy agreement, this is not the case if each tenant has their separate agreement.
- There are no loss of rights or conditions when signing a new tenancy agreement.

Should one or more party decline this offer an entry is made on the TMS notes to such effect.

Date developed: 1987

Date/s policy was ratified and/or changed by Board: 31/1/05; 28/8/07

Note: Procedures are designed to guide the implementation of a policy and will be updated on a regular basis as part of ongoing best practice service improvement.