

## 2.4.2 No Grounds Termination & CTTT



### **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.

WHC guarantees the following of all landlord responsibilities as stated in the NSW Residential Tenancy Act 1987.

WHC aims to be transparent in all its decisions and to act in a fair manner at all times. Serious matters such as termination of tenancy agreements are thoroughly considered and applied as last action when all other options have been exhausted.

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### **POLICY**

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Women's Housing Company aims to sustain a person's tenancy for as long as possible. When tenancies cannot be sustained due to breaches of the tenancy agreement, Women's Housing Company will apply to the Consumer, Trader and Tenancy Tribunal (CTTT) for an order to terminate the Residential Tenancy Agreement and gain repossession of the property.

Women's Housing Company does not support 60 days evictions on no grounds.

Termination of tenancy will be applied as a last resort after all other possible resolutions to the housing management problem have been unsuccessful.

Termination of tenancy can be applied for on the following grounds:

- Breach of the Residential Tenancy Agreement (e.g. rent arrears; disturbing other tenants' enjoyment of their premises)
- Sale of premises (and subsequent tenant refusal to leave)
- End of Fixed Term

Women's Housing Company manages the ending of tenancies in accordance with the Residential Tenancy Act 1987. This is conducted in a supportive way to minimise the impact on tenants and the organisation.

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### **PROCEDURE**

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If the tenant breaches any term of the Residential Tenancy Agreement, Women's Housing Company will endeavour to discuss the breach and resolve the issue without action at the CTTT.

If the matter is not resolved or the breach continues, Women's Housing Company will apply to the CTTT for an order to terminate the tenancy.

**Applying to the Consumer, Trader and Tenancy Tribunal (CTTT)**

Prior to submitting an application to the CTTT, the housing worker responsible for the property must complete a form requesting senior management approval to take action at the CTTT.

When approval is granted, the worker will complete an application to the CTTT and send it with a cheque for the application fee. The cheque must be requested from the finance team on a cheque requisition form.

- The worker will attend the hearing on the nominated date.
- The worker will receive the orders and execute them as per instruction from the CTTT.
- In those cases when the possession date has expired, the worker will attend the property to conduct an inspection.
- If the tenant has vacated and returned the keys or arranged to meet the workers at the property, procedures for the ending of a tenancy without CTTT action can be followed.
- If the tenant has not contacted Women's Housing Company at all, but the worker has reason to believe she has vacated, they can enter the premises. It is advised to have two workers present.
- If the tenant has not contacted Women's Housing Company and the workers do not know if they have vacated they must seek a warrant for possession from the CTTT.
- The housing worker will write to the CTTT requesting a warrant and must then request another cheque for the execution fee, and take the cheque and the warrant to the Local Court covering the area in which the property is located.
- The Sheriff will open the envelope (**it must not be opened by any other person**) and will make an appointment to meet the workers at the property to execute the warrant (two staff to attend all evictions).
- WHC will attempt to advise the tenant, it is recognised that this is not always possible.
- WHC will arrange a locksmith to be present.
- The Sheriff will enter the property at the arranged time and will then allow Women's Housing Company access. Locks are changed.
- Any items remaining in the property are treated as abandoned goods in accordance with the Residential Tenancy Act.
- Workers will advise the tenant, if possible, of other agencies who may be able to assist them.

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**Date developed: 1/1/06**

**Date/s policy was ratified and/or changed by Board: 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.