

2.4.2.1 Handing back of leasehold properties



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.

POLICY

Women's Housing Company will return possession of property to their landlords as per regulations stated in the Residential Tenancy Act 1987.

On occasion Women's Housing Company may decide to terminate and hand back a leasehold property.

Property may be 'handed back' for the following reasons:

- The tenant has vacated and the property is in area with low demand by applicants on the waiting list.
- The tenant has vacated and the property is in a poor condition or is not value for money.
- The tenant has requested and been approved for a transfer.
- Women's Housing Company requests a management transfer of the tenant.
- Women's Housing Company tenancy with the Real Estate Agent is terminated.
- The Real Estate Agent and/or landlord does not abide by the Residential Tenancy Act.

Women's Housing Company will claim the total bond lodged when the keys are returned.

PROCEDURE

Women's Housing Company will either have received a Notice of Termination from our landlord, or will give Notice to Vacate as per the terms of the Residential Tenancy Agreement signed.

In either case, the housing worker communicates the upcoming leasehold package with the Senior Housing Manager (SHM) so that a new leasehold property can be identified.

Women's Housing Company Ltd will allow sufficient time between the tenant vacating and possession being granted to the Real Estate Agent, to allow for an inspection of the property and to rectify any damage incurred during the tenancy.

The housing worker will complete a 'leasehold property handback form' for the accounts department advising of the date of hand back and the amount of rent paid or outstanding.

The housing worker will inspect the property with the exiting tenant and will note the condition on exit against the condition when the tenancy commenced. If the tenant is unavailable the housing worker will inspect the property by themselves.

Any necessary repairs outside fair wear and tear will be organised by the housing worker as will any cleaning necessary.

The exiting tenant will be advised of any costs and asked to pay all costs considered to be due to tenant responsibility. The tenant is requested to sign a non-rent debt form. If a tenant fails to provide WHC with forwarding address details, the costs will be registered against their tenancy for future reference.

When any works have been completed, the keys can be returned to the Real Estate Agent.

It is preferable to meet the Real Estate representative at the property to do a joint inspection, however keys are sometimes posted or dropped in to the real estate offices.

As soon as the keys have been returned, the housing worker responsible for the property will complete a bond claim form request the total bond to be returned.

If the Real Estate inspects the property and believes there to be further repairs necessary or cleaning required, WHC will negotiate with the Real Estate.

If WHC agrees the work is necessary a cheque requisition form is prepared and passed to the accounts department; after the invoice is received.

If WHC does not agree, the Real Estate Agent can make an application to the Consumer Trader and Tenancy Tribunal.

The property is marked as relinquished on the database by the accounts department.

The housing worker informs the admin worker per email that the property has been handed back; the admin worker maintains the spreadsheet keeping track of leasehold properties.

Date developed: 2000

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.