

WINTRINGHAM HOUSING RENTAL ARREARS POLICY

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Purpose This policy outlines the procedures employed by Wintringham Housing to monitor and recover rent arrears in properties it owns and/or manages.

Policy Statement In accordance with the *Residential Tenancies Act (1997)*, Wintringham Housing as the rental provider, may take action in relation to tenancy matters that arise. Actions can be pursued by Wintringham Housing, where a renter incurs rental arrears under the RTA.

Wintringham Housing recognises that a flexible service response is required, to allow the renter to take steps to resolve their rental arrears, prior to any implementation of formal processes, as outlined under the RTA.

Early identification of rental arrears enables action to be taken prior to the arrears becoming unmanageable.

All reasonable efforts will be made to work with a renter, taking into account hardship, and the inclusion of relevant third parties, to ensure that eviction for rental arrears is the last resort.

Commitment Wintringham Housing is committed to:

- ensuring a consistent approach when checking rent arrears
- ensuring that daily checks and fortnightly rent arrears reports are acted upon immediately, to ensure rent arrears are kept to a minimum
- acting in accordance with the *Residential Tenancy Act (1997)*

Scope This policy applies to all rental properties owned or managed by Wintringham Housing in Victoria and Tasmania.

Definitions

GMHCS	General Manager Housing and Client Support.
HHS	Housing and Homelessness Support.
Renter	May also be referred to as a tenant, is a person who has the right to occupy a residential property under a residential tenancy agreement. Under the <i>Residential Tenancy Act 1997 (Vic)</i> , the term renter has replaced the term tenant.
RTA	Residential Tenancy ACT (1997) Victoria and Tasmania.
Rental Provider	May also be referred to as the landlord, is the owner of a property, but it can also include agents acting on behalf of the owner.
VCAT	Victorian Civil and Administrative Tribunal.

TMW	Tenancy Management Worker.
Possession Order	An order made by the tribunal/court to grant possession of the property to the rental provider.
Wintringham Housing	Refers to both Victoria Wintringham Housing owned and managed and Tasmania Wintringham managed properties unless stated.

Responsibilities

Finance Operations Team	Responsible for providing the Tenancy Management Worker with a fortnightly arrears report and a daily update from Centrelink.
Tenancy Management Worker & Housing Support Worker	Will work together with the renter to assist with a resolution to support the renter to retain their housing.
Tenancy Management Workers (TMW)	Must consult the Tenancy Manager and HHS Manager prior to issuing a Notice to Vacate. A Notice to Vacate does not mean the renter is required to vacate. However, they must engage with TMW and HHS Support.
Tenancy Manager	Responsible for ensuring the Tenancy Management Workers understand and adhered to this policy.
GMHCS	Responsible for authorising the application of a possession order.

Procedure

1. Information Provision

- 1.1 At the commencement of every tenancy, a renter will sign a [Residential Rental Agreement - Vic](#) (TMM Ag 1.3a) or [Residential Rental Agreement – Tas](#) (TMM Ag 1.3b) that outlines the rent payable and the method of payment.
- 1.2 The subject of rental arrears is discussed with the renter. Wintringham Housing renters are provided with a copy of the Renters Guide – (Vic) and Rental Guide – (Tas).
- 1.3 All renters are encouraged to pay rent through Centrepay.

2. Finance Operations Team

- 2.1 The Finance Operations Team monitors daily rental movements and advises the Tenancy Team of any variations, cancellations or new rental payments via the daily rent update spreadsheet.

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- 2.2 The Finance Operations Team will provide each Tenancy Management Worker and the Tenancy Manager with a fortnightly debtor's report, to highlight any arrears.

3. Managing Signs of Arrears

- 3.1 The Tenancy Management Worker will make initial contact with the renter and find out the reason behind any variations/cancellations.

This can happen even if the renter is not in arrears, as it is a proactive, preventative measure. If a renter has reduced or cancelled payments, they will be requested to reinstate the correct rental amount and/or sign a [Wintringham Housing - Rent Arrears Agreement \(TMM Ag 1.22a\)](#).

- 3.2 When a renter is in arrears in excess of 14 days or has cancelled their rent, the Tenancy Management Worker will contact the renter by telephone, in person and in writing to inform them of their arrears.
- 3.3 If the matter is not resolved and a repayment arrangement is not agreed to by the renter, the Tenancy Management Worker will refer the matter to the Housing Support Worker, who in turn will explore all options regarding arrears repayment.
- 3.4 If the renter does not dispute the arrears, the Tenancy Management Worker will ensure that the renter signs a [Wintringham Housing - Rent Arrears Agreement \(TMM Ag 1.22a\)](#) and a new [Authorisation Form Centrepay Deduction - Wintringham Housing \(L_M Fin Fm 4o\)](#).

When the Rent Arrears Agreement and the Centrelink Deduction Authorisation have been signed, the Tenancy Management Worker will enter the amount agreed upon into Centrelink via Electronic Verification of Rent (EVOR).

- 3.5 Should the household income of the renter change, during the period of the Rent Arrears Agreement, either the renter or Wintringham Housing can seek to vary the repayment instalments.

4. Notice to Vacate

- 4.1 When a renter is given a Notice to Vacate because they have not paid rent, they can pay the rent owing by the vacate date stated on the Notice to avoid eviction.

4.1.1 Victoria

If the matter goes to VCAT yet the arrears is paid by the vacate date, the Notice to Vacate will no longer apply.

If more than 4 Notices to Vacate are issued to a renter in a 12-month period, the renter has '4 occasions' against them. The 'occasions' are cleared at the end of the 12 months, if there are no more notices during that time.

If a 5th Notice to Vacate is given to the renter because they have not paid rent, Wintringham Housing can apply to VCAT for a possession order. In this case, VCAT cannot dismiss the application solely because the renter could pay off the unpaid rent under a payment plan.

Prior to issuing the 5th Notice, the matter will be referred to the HHS Manager and the GMHCS, for approval to issue, as it is a Notice to Vacate

indicating that Wintringham Housing will be requesting for a possession order via VCAT.

Refer to Wintringham Housing – Breaches and Evictions (TMM 1.21).

4.1.2 Tasmania

If the matter goes to the Residential Tenancy Commissioner (Tas) yet the arrears is paid by the vacate date, the Notice to Vacate will no longer apply.

If more than 3 Notices to Vacate are issued to a renter in a 12-month period, the renter has '3 occasions' against them. The 'occasions' are cleared at the end of the 12 months, if there are no more notices during that time.

If a 4th Notice to Vacate is given to the renter because they have not paid rent, Wintringham Housing can apply to Magistrates Court for a possession order. In this case, the Magistrates Court cannot dismiss the application solely because the renter could pay off the unpaid rent under a payment plan.

Prior to issuing the 4th Notice, the matter will be referred to the HHS Manager and the GMHCS for approval to issue a Notice to Vacate, indicating that Wintringham Housing will be requesting for a possession order via the Tasmanian Magistrates Court.

5. Advocacy Support

- 5.1 Renters are advised of their statutory rights and are encouraged by the Tenancy Management Worker to contact the Tenants Victoria or Tenants Union of Tasmania for assistance, if they believe their rights have been breached.

Refer to the [Advocacy Guidelines](#) (L_M 3.21)

6. Request for Housing After Eviction

- 6.1 Previous renters of Wintringham Housing that have been either evicted or left due to rental arrears, will need to meet with the HHS Manager or delegate, prior to being reassessed for further housing assistance.

Refer to [Outreach – Referrals and Allocations Guidelines](#) (CSM 3.31)

Legislation & Standards	Residential Tenancies Act (1997) Vic and Tas Charter of Human Rights and Responsibilities Act 2006	
Resources	Vic - Renters Guide handbook https://www.consumer.vic.gov.au/housing/renting/starting-and-changing-rental-agreements/resources-and-guides-for-renters/renters-guide	
	Tas – The Rental Guide https://www.service.tas.gov.au/services/housing-and-property/renting-a-home/the-rental-guide	
Related Documents	TMM Ag 1.22a TMM Ag 1.3a	Rent Arrears Agreement VIC Residential Tenancy Agreement



TMM Ag 1.3b	TAS Residential Tenancy Agreement
TMM Fm 1.22a	Rent Arrears due to Rent Increase
TMM Fm 1.22b	Rent Arrears – 1 st Letter
TMM Fm 1.22c	Rent Arrears- 2 nd Letter
TMM Fm 1.22d	Rent Arrears NTV VIC
L_M Fin Fm 4o	Authorisation Form – Centrepay Deduction Wintringham Housing

Authorisation

This policy has been authorised by General Manager Homelessness and Client Support – December 2024

Review Date

December 2027

This policy is published on the Wintringham website www.wintringham.org.au.