

PURPOSE:

The purpose of this policy is to provide the guidelines for the company or co-op management in situations where members/tenants of the Landlord go away from their home for a period of up to 6 months.

1. The landlord seeks to meet the housing needs of its members/tenants. When a dwelling is provided for a member/tenant, they are expected to live in it.
2. The Tenancy Agreement states that tenants must live in and care for their home.
3. Members/tenants are required to apply to the Landlord to be away from their home for long periods so that we can be sure the rent will be paid and the property looked after.

1. SCOPE

- 1.1. Applies to all staff
- 1.2. Applies to co-operatives

2. EXCEPTIONS:

NA

3. DEFINITIONS

- 3.1. **Landlord** -the person who grants the right to occupy residential premises under a residential tenancy agreement.
- 3.2. **Co-op** - governance structure where residents become 'members' of the cooperative, and play an active part in running the organisation.
- 3.3. **Tenant** -the person who has the right to occupy residential premises under a residential tenancy agreement.

4. RESPONSIBILITIES

4.1. Chief Executive Officer (CEO)

- 4.1.1. Providing resources
- 4.1.2. Oversight of process etc

4.2. Manager

- 4.2.1. Staff competency
- 4.2.2. Monitoring

4.3. Board

4.4. Quality Coordinator (QC)

- 4.4.1. Review the policy with relevant staff as per schedule or when required

5. CONTENT

- 5.1. The Landlord recognises that there are a number of circumstances that may require a tenant to be away from their home.
- 5.2. If a member/tenant will be away from their home for more than 6 weeks, they must advise the Landlord in writing. The absence must be approved by the co-op.
- 5.3. The Landlord may approve absences of up to six months if it is satisfied that:
 - 5.3.1. The rent will be paid
 - 5.3.2. The rent may be prepaid or could be paid through the rent deductions scheme or by direct debt.
 - 5.3.3. The property will be looked after
 - 5.3.4. There is a good reason for going away
- 5.4. Tenants will need to provide evidence to support their application
- 5.5. The Tenant must tell the Landlord where they are going and when they expect to return.
- 5.6. The landlord may approve absence's from the property for up to 6 months for the following reasons -
 - 5.6.1. Caring for sick /frail family members
 - 5.6.2. Hospitalisation, institutional care, nursing home care or rehabilitation
 - 5.6.3. Escaping domestic violence, harassment or threats of violence
 - 5.6.4. Assisting with immigration matters in the country of origin
 - 5.6.5. Employment, education or Training
 - 5.6.6. Holidays

The landlord will not approve repeat absences relating to holidays, assisting with immigration matters in the country of origin or employment / training. You cannot be absent for more than 12 months in total over a five-year period.
- 5.7. Maintaining Membership /Tenancy obligations while member/tenant is away
 - 5.7.1. An absence is approved where the member/tenant has a valid reason for going away and when arrangements have been made for the payment of rent and care of property.
 - 5.7.2. The member/tenant is responsible for meeting their obligations under the Tenancy Agreement. Any breaches of the Agreement while the tenant is away may result in the landlord taking action if breaches have occurred. Breaches of the Tenancy Agreement may result in termination of the tenancy.
 - 5.7.3. **The member/tenant is responsible for meeting their tenant participation obligations unless they have been exempted from them for the period of absence.**
- 5.8. Examples of breaches of the Agreement that will result in action such as termination of tenancy agreement include
 - 5.8.1. Not living in the property (that is, being absent for extended periods without approval).

- 5.9.** Rent - in all cases of approved absence rent will be maintained at the existing level. If a rent review falls into the period when a tenant is absent, a new rent advice will still apply. The tenant is then responsible to make arrangements for the new rent to be paid from the due date.
- 5.10.** Extended Absences – longer than 6 months. The member/tenant may apply for approval to extend the absence beyond six months but no longer than 12 months, where there are unusual circumstances, for example regular treatment at a location / hospital which cannot be accessed from the member/tenant's home. If the tenant does not return to their home after an approved absence the tenancy could be terminated.
- 5.11.** Unapproved Absences. If a tenant has stayed away from their home for more than 6 weeks without telling the Landlord, or has stayed away longer than the time the Landlord has approved, we will make reasonable efforts to contact the tenant to clarify the situation.
- 5.12.** If a member/tenant is away without approval, or has stayed away for longer than the time approved, the landlord may decide to charge market rent from the time the tenants absence is discovered, or from the date the approval expired or terminate the tenancy.

6. REFERENCES

- 6.1.** NSW Residential Tenancy Act 2010
- 6.2.** FACS Tenancy Policy Supplement – During a Tenancy - Being away from the property.

7. ASSOCIATED DOCUMENTS

- 7.1** Tenants Handbook
- 7.2** Induction Kit for Co-op Tenant