

Tenant Damage

Policy Number 203 | Edited May 2020

1. Purpose

Both Pacific Community Housing and tenants have the responsibility to ensure properties are kept safe and well maintained. Tenants must not cause or allow damage to be caused, either intentionally or through lack of care. These include every member of the household and any visitors. If the tenant causes or allow damage to be caused to the property, Pacific Community Housing has the right to ask the tenant to repair the damage or pay for the costs of the repair to be done by Pacific Community Housing.

2. Scope

This policy applies to all properties owned, managed and leased by Pacific Community Housing.

3. Principles

Pacific Community Housing will work collaboratively with its tenant to ensure properties are always fit to live in. This includes responding to damage caused by a tenant. Tenants will be held responsible for any damage to their property either intentionally, through lack of care, failure to act to a reasonable request by the landlord or damage caused as a result of a crime, such as domestic violence.

This policy outlines:

- The responsibilities of a tenant.
- The rights Pacific Community has when damage to a property has occurred.
- How Pacific Community Housing will deal with tenant when damage has occurred.

4. Tenant Responsibilities

Section 51 of the Residential Tenancies Act, 2010 (NSW) states that tenants should:

- Keep the property reasonably clean.
- Notify the landlord of any damage to the premises as soon as practicable.
- Not intentionally or negligently cause or permit any damage to the premises.
- Leave the premises as near as possible in the same condition (except for reasonable wear and tear) as set out in the original condition report.

For more information on the responsibilities of a tenant refer to the Tenant Rights and Responsibilities Policy.

5. Procedure

Housing and asset management staff should be aware of any evidence of tenant damage when visiting or inspecting properties.

Where tenant damage is suspected, enquiries should be made as to how the damage occurred and why it has not been reported. If it is established that the tenant is responsible, arrangements must be made for the repairs to be carried out in accordance with this policy.

In working out responsibility for the damage staff from Pacific Community Housing will discuss the damage with the tenant and other residents. Consideration will be given to a range of factors including:

- The type of damage.
- The condition of the premises at the beginning of the tenancy, as stated in the Property Condition Report.
- Damage from reasonable wear and tear.
- Whether sickness, serious ill health or inability to maintain the premises has contributed to the damage.
- Whether a crime may have been committed.

Where Pacific Community Housing pays for the repairs with the expectation that the tenant will pay the debt, the amount will be charged to the tenant's non-rent account. In the event the tenant vacates, any unpaid amount to Pacific Community Housing will be deducted from the bond or pursued as a former debt if either the bond (where it has been paid) is not sufficient to meet the cost or no bond has been charged.

Where a tenant refuses to pay for work that occurs as a result of deliberate or negligent actions by the tenant, family member or visitor, and negotiations fail, the Housing Manager will seek an order for repayment through the NCAT within 90 days of raising the debt, in accordance with the Arrears Management Policy.

6. Legislative Framework and Related Policies

Tenant Rights and Responsibilities – Policy

- Arrears Management – Policy
- Breaking or Terminating a Lease - Policy
- Property Inspection Report – Form
- NRAS Regulations
- Residential Tenancies Act 2010