

Baptcare Affordable Housing Policy

Document Information

Date:	23/2/2023	
Document Author:	Peter Andrews	Charging Renters for Damages POLICY
Document Owner:	Cliff Barclay	
Contact details:	cbarclay@baptcare.org.au	
Document type:	Policy	

Overview

Purpose

This policy establishes the approach of Baptcare Affordable Housing (BAH) when assessing liability for damage to a property caused by a renter, other members of their household or their visitors. This policy does not apply to debts due to rent arrears (See Hardship Policy).

Who Does It Apply To?

This policy applies to all rental properties owned and/or managed by BAH.

Definitions

- a) Damage – Deterioration or harm that exceeds reasonable wear and tear, caused through neglect or infliction of force resulting in injury to the structure or materials of a building, or breakage of fixtures, fittings and equipment.

Policy

Overview

This policy defines how BAH will assess and respond to damage to houses and property caused by the renter.

Principles

The *Residential Tenancies Act 1997* (RTA) outlines the rights and duties of Renters and Rental Providers which forms the basis for this policy.

BAH is committed to providing affordable housing that is maintained to a high standard. Renters must take reasonable care to ensure damage is not caused to the rented premises or common areas, and obtain prior consent for certain modifications.

To this end, BAH will:

- Charge renters for damage or unauthorised modifications to the rented premises in line with the provisions of the RTA.
- Ensure that renters understand their rights and responsibilities under the RTA in relation to damage and modifications to properties.

Renter Damage

Renter damage is defined as any damage beyond fair wear and tear, which results in damage to the rented premises or common areas. This includes modifications to the property where prior consent is required and has not been obtained from BAH.

In cases where consent has been obtained or the modifications are permitted without prior consent by the RTA, the renter may still be required to restore the premises to their prior condition before the end of the tenancy.

Examples of damage for which renters may be charged include:

- Burns to carpets
- Broken windows
- Holes in walls
- Damage to toilets, basins, showers and baths
- Malicious damage to the premises
- Damage caused by neglect
- Modifications that have not been restored prior to the end of the tenancy

Any damage will be assessed against the property condition report signed by BAH and the renter at the start of the rental agreement.

Renter responsibility in relation to damages will be assessed when BAH first becomes aware of the damage, either through regular inspections or through Renter notification.

Recovering Costs

BAH will inform all renters at the commencement of their rental agreement that BAH will take action if they are found to be responsible for deliberate damage or damage due to neglect.

BAH may seek to recover costs following assessment of the damage either through a repayment agreement or through a non-rent charge against a bond if the rental agreement has ended.

Action to recover costs during a tenancy may involve issuing a Breach of Duty Notice or a Repair Notice

In the event a renter disputes the costs or responsibility for damage, BAH will inform the Renter of their rights and the process. An application may be made by either BAH or the renter to have the dispute determined by the Victoria Civil and Administrative Tribunal (VCAT).

In cases of malicious damage or damage to an extent that the premises have been left unsafe or uninhabitable, BAH will serve an immediate Notice to Vacate. An Order of Possession will be sought from VCAT, in addition to the recovery of costs.

Waiver or reduction of liability

BAH will take into consideration any mitigating circumstances when considering waiving or reducing renter liability for damage. These circumstances may include:

- Where a renter cannot reasonably be held responsible for the damage in circumstances of family violence.
- Any health issues that may affect a renter's capacity to prevent the damage.

BAH may also take into consideration any other factors that it believes may have affected the renter's ability to prevent the damage. This will be determined on a case-by-case basis by BAH Management and in accordance with the hardship provisions.

Rights and Responsibilities

Renters' rights and responsibilities are protected under the Residential Tenancies Act and other Acts of parliament.

It is important for renters to know and understand their rights and that along with rights come responsibilities. At the beginning of the rental renters are given a series of documents including a "Rights and Responsibilities" booklet. This booklet describes both the renter's and the rental provider's rights and responsibilities. If you have misplaced this then please ask a worker for a replacement copy.

Information and support can also be obtained through Consumer Affairs Victoria and the Tenants Union of Victoria.

Consumer Affairs Victoria

1300 55 81 81

www.consumer.vic.gov.au/

Tenants Union of Victoria

1800 068860

tenantsvic.org.au

Policy Review

This policy will be reviewed every two years or earlier if the legal, regulatory and contractual environment requires.

Related Documents

BAH Property Inspections Policy
 BAH Ending Rental Agreements Policy
 BAH Alterations and Modifications Policy
 BAH Rent Policy
 BAH Bond Policy
 Housing Act 1983 (Vic)
 Residential Tenancies Act 1997 (Vic)
 Residential Tenancies Regulations 2021 (Vic)
 Consumer Affairs Victoria Director's Guidelines 'Damage and fair wear and tear'
 Housing Registrar Regulatory Framework
 Housing Registrar Performance Standards 1

Revisions and History

Next Review Date:	Month Year	
Revision History	Section	Commencing
Policy no. 7.13, v.1 v.2	Updates to Residential Tenancies Act	1/8/2019 (Approved by ELT Date)

This policy will be available on the BAH website: www.baptcare.org.au/services/housing/affordable-housing

Document Control

Copies of this document and any subsequent version shall be distributed electronically.

Printed copies of this document are deemed uncontrolled.

Document file name:	BAH Charging Renters for Damages Policy
Document file location:	[File location hyperlink address TBC]