

## RENTAL ARREARS

TMM 1.22

### Purpose & Scope:

To outline the manner in which rental arrears in Wintringham/Wintringham Housing managed properties are monitored and recovered.

### Responsibility:

Finance Manager and/or delegate is responsible for providing the Tenancy Worker with a fortnightly arrears report and a daily update from Centrelink.

Tenancy Worker and the Housing Support Worker are to work with the resident to assist with a resolution. General Manager Operations must be consulted prior to a Notice to Vacate being issued.

Tenancy Worker is responsible for taking steps to recover outstanding rents and issuing a Notice to Vacate to tenant/s of rented premises.

### Policy:

- In accordance with the *Residential Tenancies Act (1997)* ("RTA"), Wintringham Housing as Landlord, may take action in relation to tenancy matters that may arise in specific circumstances. Actions can be pursued by Wintringham Housing where a tenant incurs rental arrears in excess of fourteen (14) days.
- Wintringham Housing recognises that a flexible service response is required in order that a resident may take steps to resolve their rental arrears prior to any implementation of formal processes as provided under the RTA.
- Early identification of rental arrears enables action to be taken prior to the amount owing escalating to an unmanageable level.
- As Landlord, Wintringham Housing's principal concern is to sustain residents' accommodation, consideration will be taken with regards to the tenant's human rights.
- All reasonable efforts will be made to work with a resident and relevant third parties to ensure that eviction for rental arrears is an option of last resort.

Residents are advised of their statutory rights, including those under the Charter of Human Rights and Responsibilities Act 2006 and are encouraged by the Tenancy Worker to contact the Tenants Union of Victoria for assistance if they believe their rights have been breached



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### Procedure:

1. At the commencement of every tenancy, residents sign a Residential Tenancy Agreement that outlines the rent payable and the method of payment.
2. The subject of rental arrears is discussed with the resident. Wintringham Housing Residents are provided with a copy of the "Renting a home –a Guide for Tenants" Handbook. Residents in Rooming Houses are provided with "Rooming Houses: A guide for residents and operators."
3. All residents are encouraged to pay rent through Centrepay. Wintringham Housing covers the cost of Centrepay.
4. Finance monitors daily rental movements and advises Tenancy of any variations, cancellations or new rental payments, This is done via the daily rent update spreadsheet.
5. As well as the above, Finance will provide the Tenancy Worker with a fortnightly debtors report, this ensures that the Tenancy Worker is aware of all arrears.
6. The Tenancy Worker will make initial contact with the resident and find out the reason behind any variations/cancellations. This will happen even if the resident is not in arrears as this is a proactive, preventative measure. If a resident has reduced or cancelled payments he or she will be requested to reinstate the correct rental amount and/or sign a Rent Arrears Agreement.
7. When it is discovered a resident is in arrears in excess of fourteen days, the Tenancy Worker will contact the resident by telephone, in person or in writing to discuss the issue.
8. If the resident does not agree to re-pay the arrears, a time will be scheduled for the resident to meet with the Tenancy Worker and the Housing Support Worker to work at resolving the issue.
9. If the resident does not dispute the arrears, the Tenancy Worker will ensure that the resident signs a Rent Arrears Agreement and a new 'Centrelink Deductions and Confirmation Services (LM Fin Fm 4n)'
10. When the Rent Arrears Agreement and the Centrelink Deductions & Confirmation Services have been signed the Tenancy Management Worker will enter the amount agreed upon into Centrelink via Electronic Verification of Rent ("EVOR").
11. During the operation of the Rent Arrears Agreement, should the household income of the resident change, either the resident or Wintringham Housing can seek to vary the repayment instalments.



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12. If the matter is not resolved and no repayment arrangement is signed or agreed to by the resident, the Tenancy Worker will refer the matter to the Housing Support Worker, who in turn will explore all other options regarding arrears repayment. If to no avail then it will be referred to the Community Housing and Support Site Manager and General Manager Operations prior to issuing the resident with a Notice to Vacate consideration will be taken with regards to the tenant's human rights under the Charter of Human Rights and Responsibilities.
13. Any ex-residents of Wintringham Housing that have previously been evicted due to rental arrears will need to meet with General Manager Operations or delegate prior to being reassessed for further housing assistance.

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### Related Documents:

Residential Tenancies Act (1997)  
Charter of Human Rights and Responsibilities Act 2006  
"Renting a home –a Guide for Tenants" Handbook  
"Rooming Houses: A guide for residents and operators."  
TMM Ag 1.22a Rent Arrears Agreement  
TMM Ag 1.2c Residential Tenancy Agreement  
TMM Fm 1.2b Rooming House Residency Agreement  
TMM 1.22b Rent Arrears Covering Letter for Breaches  
LM Fin Fm 4n "Centrelink Deductions and Confirmation Services"

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