

1.0 Tenant Recharge Policy

2.0 Identification Grid

Date first approved: 30/4/2019	Date of effect: 30/04/2019
Date last amended: New	Date of next review: 30/04/2021
Policy Owner: GM Housing Supply	Portfolio: Housing Supply
Content Owner (Author): GM Housing Supply	

3.0 Purpose

This policy defines the responsibility for payment of maintenance undertaken on Launch Housing's properties.

4.0 Definitions

RTA	Residential Tenancies Act 1997
DHHS	Department of Health and Human Services

5.0 Policy Details

5.1 Scope

This policy applies to all tenancies managed by Launch Housing.

5.2 Policy Principles

5.2.1 Approach to Tenant Charge

5.2.2 The *Residential Tenancies Act* (RTA) outlines the rights and duties of the tenant and the landlord which forms the basis of the Tenant Recharge Policy.

5.2.3 Launch Housing will perform repairs to ensure that the premises are maintained in good repair.

5.2.4 A tenant must ensure that care is taken to avoid damaging the property.

5.2.5 A tenant must take reasonable care to avoid damaging the common areas.

5.2.6 Launch Housing will seek to recover repair charges from tenants in circumstances where repairs to the premises are necessary, as a result of deliberate damage or neglect caused by the tenant, another household member or a visitor who enters the property with the tenant's permission.

5.2.7 Launch Housing will not seek to recover repair charges for wear and tear that occurs to the property through ordinary day-to-day use of the property.

5.2.8 Launch Housing may not seek to recover repair charges for damage caused by mental and physical health, instances of family violence, or third party criminal damage.

5.2.9 Launch Housing may not seek to recover repair charges for any item, fixture or fitting at the end of its useable life or that is due to be replaced.

5.2.10 The policy may not apply to circumstances where tenants, residents or visitors have caused intentional, extensive and malicious damage to the property. In these circumstances, Launch Housing may serve an immediate Notice to Vacate and seek an Order for Possession under s243 of the RTA.

5.2.11 This policy includes additional or replacement of lost, missing or damaged keys, fobs, remotes or access cards which the tenant is liable for under the RTA. Launch Housing will not seek recovery for fobs, access cards or remotes that are worn and no longer working.

5.3 Tenant Responsibilities

5.3.1 Tenants will:

- Abide by the terms and conditions of their Tenancy Agreement and Owners Corporation Rules.
- Take good care of the property and keep it reasonably clean.
- Notify Launch Housing immediately if the property has been damaged.
- Pay costs for damage that results from deliberate action, mistreatment or negligence of a tenant, household member or visitor, that has been proven, and to comply with orders to pay the cost of repairs or cleaning.
- Report to the Police any damage that is suspected to have resulted from criminal activity, such as break and enter or vandalism.
- Upon request by Launch Housing, rectify any alterations carried out by the tenant before handing the keys back at the end of a tenancy.
- Restore the property to the condition it was in at the start of the tenancy, after allowing for fair wear and tear; and
- Return all keys to Launch Housing at the end of a tenancy.

5.4 Management of Tenant Charges

5.4.1 **Repair Charges:**

If Launch Housing considers that the tenant has breached their responsibilities Launch Housing may seek repair charges for the costs to repair the damage.

5.4.2 Launch Housing will undertake the following steps to seek to recover repair charges:

- Inspect the premises;
- Collect evidence of the damage sustained and how it was sustained;
- Provide the tenant a report of repair charges incurred to recover the costs of the repairs and maintenance.

5.4.3 Prior to taking any action in relation to damage to the premises Launch Housing will investigate and confirm the tenant's responsibility for the damage.

5.4.4 Key charges:

- When new/replacement fobs, keys, access cards or remotes are required, the tenant will be required to pay the cost prior to collection of the new key.
- In the instance of an afterhours call out, the tenant will be required to pay the contractor directly.

5.5 Appealing Recharge Decisions

5.5.1 In the event a tenant disputes the amount of the tenant recharge, or denies damage responsibility Launch Housing will advise tenants of their rights and process.

5.5.2 Tenants may apply to VCAT to have the condition of the premises and any damage determined by the tribunal (where applicable) as per the RTA.

5.6 Repayment Agreement

- 5.6.1 After responsibility has been determined a repayment agreement will be signed by both parties (if applicable).
- 5.6.2 Tenants may choose to have third party support in resolving and negotiating the matter.
- 5.6.3 If the tenant accepts liability for the identified damage, the claim should be considered a substantiated tenant repair charge.
- 5.6.4 The tenant may either pay the amount in full, or enter into a repayment agreement.
- 5.6.5 If the tenant has vacated the property, the tenant repair charge will be held against the bond (if applicable).

6.0 Responsibilities

Role	Responsibilities
General Managers Housing Supply	<ul style="list-style-type: none">• Provide guidance and support on the implementation of the policy.
Group Manager and Co-ordinators	<ul style="list-style-type: none">• Ensure staff undertaking repairs and maintenance adhere to the policy for the purpose of tenant recharge.• Respond to issues that arise and support staff undertaking repairs and maintenance requiring tenant recharge.

7.0 Relevant Legislation & External Documents

- Residential Tenancies Act 1997
- Housing Act 1983 (Vic)
- [Guidelines for Registered Housing Agencies published by DHHS](#)
- Housing Registrar Performance Standards for Registered Housing Agencies

8.0 Supporting Documents & Implementation Tools

- LH Maintenance and Repair Policy
- LH Inspection Policy
- LH End of Tenancy Policy
- LH Client / Tenants Complaints and Appeals Policy