



Independent Living Seniors Accommodation

Management Practices

2020

Table of Contents

MP1	Housing Allocation Guidelines.....	2
MP2	Proof of Identity	2
MP3	Records Management	3
MP4	Housing Allocation Report.....	4
MP5	Documents and Information the Organisation Must Give to the Tenant	4
MP6	Security Bond.....	5
MP7	Keys.....	6
MP8	Periodic Inspections.....	6
MP9	Notices.....	6
MP10	Rent Payments.....	7
MP11	Rent Reviews	8
MP12	How Residential Tenancies are Terminated	8
MP13	Receiving Complaints	10
MP14	Contractor obligations.....	11
MP15	Settling of disputes	12

MP1 Housing Allocation Guidelines

Preference will be given to Shire of Wickepin residents; however, if vacancies exist for more than three months, applications for tenancy from people outside the Shire of Wickepin catchment area may be considered.

MP2 Proof of Identity

As per the Tenancy Application form, the applicant must be asked to provide one document from Category A plus one from Categories B or C, or three documents from Category B and/or C.

Category A

Documents in this category are regarded as sound, because of the difficulty in obtaining them and because they are less likely to be stolen or illegally obtained.

- Australian passport;
- Certificate of Australian Citizenship;
- Citizenship papers;
- Overseas passport stamped for entry to Australia;
- Original Australian birth certificate of claimant, issued more than five years ago;
- Australian birth extract issued more than five years ago;
- Document of identity issued by Department of Foreign Affairs;
- Partner's original death certificate issued by a government department more than five years ago which shows the applicant's name; or
- Australian Armed Services discharge documents.

Category B

These are acceptable documents either because of their personal nature or because of the time they need to be held.

- Original Australian Marriage Certificate issued by a government Department;
- Apprenticeship indenture papers;
- Tradesperson's Certificate of Proficiency;
- Nurses' Registration Board documents;
- Divorce papers;
- Original Australian Birth Certificate for claimant issued between one and five years ago;
- Australian Birth Extract issued between one and five years ago;
- Taxation assessment notice;
- Life Insurance policies;
- Change of name (by Deed Poll) more than twelve months old;
- Legal documents such as Restraining Order, Peace Order, Adoption papers, Maintenance agreement, attested Will, Power of Attorney or document of appointment as a JP; or
- Partner's original Death Certificate issued by a government Department between one and five years ago which shows the applicant's name.

Category C

These documents are similar to Category B documents. The difference is that these are only acceptable with qualifications. This category of document should be treated with caution and dealt with in accordance with instructions.

- Prisoner Discharge Certificate (offered on release);
- Hire Purchase agreement, if authenticity is validated;
- Letter from a government department, provided address on the letter matches address on the application;
- Current medical contribution book that is more than 12 months old;
- Motoring Organisation membership document that is more than 12 months old, as long as address matches that on the application;
- Bankbook, Credit Union or Building Society accounts showing transactions for at least 12 months;
- Overseas documents, if they are offered with a passport stamped for entry to Australia;
- Motor Vehicle Registration papers, showing a cash register imprint as long as they show the same address as that on the application;
- Motor Vehicle Driver's Licence as long as it shows the same address as that on the application;
- Insurance renewal documents as long as they show the same address as that on the application;
- Change of name which is less than 12 months old, if offered in conjunction with other documents showing new name for more than 12 months. This must be accompanied by documents showing that the client was using the new name before changing it legally;
- Legal documents such as Summons, Bail papers or Traffic Infringement Notice, if offered with Motor Vehicle Registration papers;
- Electricity account if address matches claim and there is a cash register imprint; or
- Telephone account if address matches claim and there is a cash register imprint.

MP3 Records Management

Council will maintain a hardcopy file of tenancy applications and supporting documents. Examples of applicant documentation to be filed/retained include, but are not limited to:

- Completed application form;
- References;
- Income statements, where applicable;
- Copies of identification; and
- Support documents such as: medical documentation, police reports, referrals.

Staff will prepare a brief report for the Chief Executive Officer on a tenancy application for a unit, as an application is received.

Referees

For the purpose of a tenancy application, the Shire must obtain written consent from the applicant before making enquiries with the persons given as referees by the Applicant, and/or other persons or agencies as the Shire may see fit (a signed Application for Tenancy with referee names and addresses included will constitute written consent).

Keeping the Waiting List Current

Council will encourage applicants to actively keep themselves on the Waiting List by regularly confirming their interest and/or providing a next of kin contact. These contacts need to be routinely recorded as an indication of ongoing interest.

The Shire will regularly review the Waiting List (at least every six months) to ensure an efficient management system that reflects demand.

All applicants with “waiting” status are to be contacted by mail, at the applicant’s last known postal address provided, and requested to update their contact details and advise of any change in circumstances which might impact on their eligibility for tenancy. Stamped, addressed envelopes are to be provided to encourage the return of the information. This is to be done using the *Updating the Waiting List* letter (Appendix 26).

Notifying Applicants about their Removal from the Waiting List

When a person’s application for ILSA is removed from the Waiting List, a *Letter of Cancellation* (Appendix 27) will be sent to the applicant to inform them that they are no longer listed by Council for tenancy, noting the reasons for this decision. A copy of the *Letter of Cancellation* is to be placed with the application.

Reinstating a Person Removed from the Waiting List

Applicants requesting reinstatement on the Waiting List will be sent an *Advice of the Reinstatement Status* (Appendix 28).

Appeal against the Removal from Waiting List

Applicants can appeal against the removal from the Waiting List within 14 days of the decision announcement. Appeals must be in writing.

For further details refer to Section 11 - Appeals.

MP4 Housing Allocation Report

Staff will prepare a brief report on tenancy applications for each unit. The report will include:

- Names of potential applicants considered;
- Any declaration of conflict of interest and the action taken;
- Any conditions attached to the offer of tenancy; and
- An alternate applicant/s, should the first applicant selected not take up the offer of tenancy.

All allocations are to be approved by the Chief Executive Officer.

MP5 Documents and Information the Organisation Must Give to the Tenant

In addition to a copy of the *Residential Tenancy Agreement* signed by the landlord and the tenant, the Shire will give the tenant a copy of *Schedule 2 Residential Tenancies Act 1987 Information for Tenants (A statement of your rights and duties)* - available from the Department of Commerce website: <https://www.commerce.wa.gov.au/consumer-protection/renting-home>)

or by telephoning the Advice Line on 1300 304 054 to arrange a copy to be posted. A Handbook for Tenants will also be issued to each household.

MP6 Security Bond

For information relating to Bonds please refer to the Department of Commerce website <https://www.commerce.wa.gov.au/consumer-protection/renting-home>.

The Shire may charge a bond consistent with the provisions within the RTA. Where a bond is paid, it must be managed in accordance with the RTA.

A security bond is a payment made in advance by the tenant to cover any costs for which the tenant may be liable at the end of the tenancy (e.g. for damage).

In general, a landlord cannot ask for more than the equivalent of four weeks' rent.

The Shire must record details of bond monies received and issue a receipt to the person paying the bond. The details must include:

- the date on which the bond was received;
- the name of the person paying the bond;
- the amount paid; and
- the premises in respect of which it is paid.

If more than one person has paid money as part of the bond, it is important that the names of all the parties appear on the lodgement form, to protect their share.

A copy of the receipt is to be placed on the tenant's file.

Within 14 days of receiving the bond, the Bond Administrator at the Department of Commerce must receive the bond money. The Shire shall keep a record of the bond payment (refer RTA Section 29(4) (c)) which includes the date, amount, name and number of the account into which the amount was paid.

Bonds must be lodged using the online bond lodgement form, which is then to be printed, signed and submitted to the Bond Administrator by post, email (bondsadmin@dmirs.wa.gov.au) or in person. A copy is to be placed on the tenant's file. The online bond lodgement form can be found here:

<https://bonds.commerce.wa.gov.au/bonds/pages/external/public/lodgement/index.xhtml>

The bond administrator will send a record of payment of security bond directly to the tenant. If the tenant doesn't receive the record from the bond administrator within one month of paying the bond money to the lessor, they can check their bond has been lodged by contacting the bond administrator by calling 1300 853 829

Alterations and Additions to the Bond

A security bond may need to be changed/varied because:

- additional bond money needs to be lodged with the Bond Administrator, for example because the rent has been increased;
- one or more of the tenants in a shared household has moved out or a new tenant has moved in;
- the ownership of the property has changed; or
- the lessor has employed a different managing agent.

To lodge changes with the Bond Administrator:

Complete the online variation of security bond form listing the relevant changes. The signed form can be lodged with the Bond Administrator by post, email (to bondsadmin@dmirs.wa.gov.au) or in person. A copy is to be placed on the tenant's file. The online bond lodgement form can be found here:

<https://bonds.commerce.wa.gov.au/bonds/pages/external/public/variation/index.xhtml>

MP7 Keys

Keys given to the tenant should include those to any door, window, garage or letterbox. These are provided after all security bond or rent in advance has been paid and all documents have been signed. The Shire cannot charge tenants a deposit for keys but may charge for the actual cost of replacing any keys. The tenant must sign a 'hand-over key receipt' when the property keys are released - this will be kept on the tenant's file (Appendix 21).

The Shire will supply the tenant with one set of keys; another set will be kept at the Shire office in a secure lockable area along with the key register.

Tenants are to report lost or stolen keys immediately to Shire staff.

MP8 Periodic Inspections

A periodic inspection will be undertaken by the Shire at least every three months. By discretion of the Shire, timeframes of inspections could vary for some properties and tenants. The inspection will be documented by completing the supplied *Property Inspection Report* (Appendix 14).

The Shire will provide tenants with a *Notice of Intended Inspection* (Appendix 20) 14 days prior to the inspection and enclose a *Helpful Guide to Having a Successful Property Inspection* or similar document.

Following the inspection, a copy of the *Property Inspection Report* will be sent to the tenants with a *Notice to Tenant – Attention to Property Required* letter (Appendix 15) to attend to any matters raised in the inspection report.

MP9 Notices

Under the *RTA* there are procedures related to the issuing of Notices to tenants. Proper procedures must be observed when serving a notice. If the matter ends up in court, the person who prepared the notice would have to prove the notice was served correctly.

This information is available in the Department of Commerce information guide “Renting out your property - a lessor's guide”. The guide can be downloaded here:

<https://www.commerce.wa.gov.au/sites/default/files/atoms/files/lessorsguide.pdf>

The Department of Commerce/Consumer Protection can help with any queries or concerns about the types of Notices required under a *Residential Tenancy Agreement* – visit their website <https://www.commerce.wa.gov.au/consumer-protection/housing-and-accommodation> or phone the Advice Line 1300 304 054.

MP10 Rent Payments

The Shire must provide a receipt for any cash or bank deposit payment received at one of its Shire offices (for charges other than rent which is paid by direct deposit). The receipt will show:

- receipt identification number;
- name of tenant;
- unit number;
- amount paid;
- date on which money was received;
- description of purpose of the payment;
- period covered; and
- signature of the Shire officer.

Receipts will not be issued for rent payments which are received through direct deposit; however, *Rental Account Statements* will be provided upon request.

Quarterly Rental Statements

The Shire will provide a *Quarterly Rental Account Statement* to the signatory/s to the *Residential Tenancy Agreement* of each household. The statement will show:

- opening balance;
- payment received;
- rental charges for the statement period;
- other charges (e.g. tenant liability); and
- any changes to the amount of rent payment.

Proper Records of Rent to be kept

The Shire will keep a record showing the rent received in respect of the premises (RTA Section 34). A record of rent received must be retained by the Shire for at least seven years.

Monitoring Rent Payments

Staff will monitor bank statements to ensure that all payments are up to date.

Staff are required to ascertain any tenant arrears that have arisen, contact the tenant and negotiate for payment of the outstanding debt. Staff will write a letter to the tenant outlining the agreement they have reached and place a copy of this letter in the tenant's file.

If the tenant indicates that a full payment cannot be made then they will enter into a payment plan arrangement (Appendix 17) with the Chief Executive Officer (CEO). A copy of the payment plan

arrangement will be placed in the tenant's file. The CEO remains responsible for monitoring the payment of tenant debt.

MP11 Rent Reviews

Where a change in circumstances indicates a reduction in rent, rent will be adjusted from the date that the next rental payment is due and staff will write to the tenant confirming the new rental amount and effective date.

Tenant Initiated Rent Review

Tenants may request a rent review at any time; this request must be in writing to the Shire. On receipt of the request, staff are to arrange a meeting with the Chief Executive Officer. If the tenant is not satisfied with the rent level set as a result of the Council's deliberations they should be given a copy of the Appeals Procedure. If the tenant receives CRA, staff will re-assess the rent in accordance with a current income statement and report any changes to the Chief Executive Officer.

Shire Initiated Rent Review

When a rent review is initiated by the Shire, tenants will be sent a Rent Review letter detailing:

- How the rents are calculated;
- Date upon which new rental amount will apply;
- Request to update direct deposit authority accordingly; and
- The timeframe for responding to the letter.

Income Assessment for Commonwealth Rental Assistance eligible tenants

Council reserves the right to explore tenancies involving tenants who receive Commonwealth Rental Assistance.

MP12 How Residential Tenancies are Terminated

The Shire will follow procedures in accordance with the *RTA*:

- The style of an early intervention approach is to be conciliatory rather than confrontational. However, the tenant should be made aware that failure to remedy the breach may eventually lead to eviction. This may involve approaching other agencies for support, if applicable;
- Staff involved in dealings of this nature must make accurate file notes, indicating the date of contact and steps taken;
- Staff may advise the tenant of community resources which may be of assistance – e.g. financial counselors, community legal centres etc;
- Staff must consult with support workers prior to evicting a tenant in a special needs program;
- Prior to an eviction, the tenant shall be afforded natural justice, i.e. be made aware of the issue, be given an opportunity to respond, be made aware of the consequences and given the opportunity to remedy the situation;

- Staff will make an appointment with the tenant to talk about a problem/issue and try to resolve the situation (Verbal Warning if needed) or arrange a time frame with the tenant within which the issue/problem will be solved. Once the issues have been discussed with the tenant/s, details of the discussion are to be placed on the tenant's file. Follow up with the tenant on the date arranged; if not solved by the arranged date take the next step (step 2);
- Staff must give the tenant notice (Breach Notice) identifying the details of the breach of Agreement and give at least 14 days' notice for the tenant to fix the problem. If the tenant/s fail to remedy the breach, Staff will take the following action (step 3);
- Issue (7 days' notice) to end tenancy; if the breach is fixed the process will stop. If not fixed and all notices have been served according to the correct time frame (ensure all notices have been delivered or sent by registered mail) proceed to step 4 (as follows);
 - A court order is taken out but must be checked that the tenant is in breach of the RTA (failure to remedy the breach (S71 (2) b);
 - Correct notice has been served in the right time frame (S71 (2) c).

Up to the day of the hearing, mutual agreements can save the tenancy.

Abandoned Premises and/or Goods

If the Shire is not certain the property has been abandoned, the Shire can apply to the Magistrates Court for an order stating that the tenant has abandoned the premises (using *Court Form 12*.) This form is available from the DMIRS website or ring the Advice Line on 1300 304054 to arrange a copy to be posted.

Account Finalisation

All accounts will be finalised within six weeks of vacation of the property. This includes the bringing to account of the Security Bond. Accounts will include details of any work done.

The Shire will advise tenants of adjustment to their Security Bond by posting a *Notice to Previous Tenant – Security Bond Adjustment* with enclosed *Form 4 – Joint Application for Disposal of Security Bond* which incorporates Security Bond adjustments. Tenants are required to sign the Form 4 and return it to the Shire office. This form is available from the DMIRS website or ring the Advice Line on 1300 304054 to arrange a copy to be posted.

A tenant may appeal the Shire's decision in accordance with Section 11 - Appeals.

MP13 Receiving Complaints

The Shire will ensure that all staff have training and are aware of the complaints process, from the point of taking the complaint to the complaint's resolution.

When receiving a verbal complaint, staff will encourage the complainant to lodge the details in writing. In circumstances where the complainant cannot lodge their complaint in writing, the receiving officer will record all particulars of the complaint on the Complaint Form (Appendix 35). A formal verbal complaint will be treated as if it was received in writing and will be documented by Shire staff.

Complainants will be encouraged to disclose their identity to avoid the lodgement of mischievous complaints. Staff will explain to people making anonymous complaints that it will be difficult for the Shire to respond without sufficient details.

Complaints Management Procedures

Tenants will be provided with information on how to lodge a complaint and Complaint Form (Appendix 35)

Registering Complaints

All complaints received must be registered in the Shire's Complaints File.

The Shire's Complaints File should contain the following details:

- a sequential reference number to enable the complaint to be tracked;
- the date the complaint was received;
- the name of the officer who received the complaint;
- the method of making the complaint (i.e. in person, telephone, e-mail, letter etc.);
- the nature of the complaint;
- the date the complaint was acknowledged;
- the officer dealing with the complaint;
- actions taken to investigate and resolve the complaint;
- the resolution/outcome of the complaint;
- the date the complainant was notified of the outcome of the complaint;
- the method used to communicate the outcome of the complaint to the complainant; and
- details of any appeal or further action.

Staff are responsible for ensuring the complete and accurate recording of all material relating to a complaint and for keeping the Chief Executive Officer and Council informed of all complaints regarding the ILSA, irrespective of the seriousness of the complaint. A copy of all documentation relating to a complaints process (including file notes of telephone conversations, interviews and findings from investigations, recommendations, internal approvals and an explanation for action taken) will be placed on the tenant's file.

Acknowledging and Investigating Complaints

Staff are responsible for ensuring all complaints received are acknowledged in a timely way. Written acknowledgements will be sent with information that includes:

- an explanation of the complaints process;
- contact person/details for the complainant; and
- any timeframes and what might be required from the complainant.

Correspondence and Record Keeping

If the appellant is being assisted by an advocate and the advocate has been given written permission to act on their (the Appellant's) behalf, a copy of all correspondence is to be forwarded to the advocate.

A copy of all communication with the appellant should be kept, for record keeping purposes, on the tenant's file.

MP14 Contractor obligations

Contractors have a duty to:

- act fairly and in good faith;
- adopt high ethical standards in their dealings with the Shire and its tenants;
- honour agreements and undertakings;
- be courteous to the Shire's staff and its tenants at all times; and
- perform all work in accordance with this Code of Conduct.

Contractors will:

- always advise the tenant of their arrival and the purpose of the visit;
- comply with reasonable requests made by customers with special needs or disabilities;
- use a "visit note" arrangement to organise an appointment if the tenant can't be contacted by telephone. The "visit note" must contain information of the Contractor's details, the actual time of calling and nature of the work that was to be done; and
- complete a Contractor Visit Notification form to advise the tenant of the purpose of the visit if the tenant is not home. The form is to be left at the property, in an envelope under the front door.

Right of Entry

The Contractor may enter the premises without consent in a genuine emergency (e.g. to carry out urgent repairs or to protect the premises from damage). Contractors must have the express approval of the Shire to enter premises in such circumstances.

Property Visit – Code of Conduct for Contractors

The Code of Conduct will be included in any Contractor agreements for ongoing contractors.

When visiting a property the Contractor will:

- park in the street or designated parking area;
- make contact with the tenant, provide identification and explain the reason for calling;
- seek the tenant's permission to enter the property;
- take all necessary steps and reasonable precautions to prevent any damage or loss to the occupant's possessions, property or personal effects. Any damage or loss should be reported to the Shire immediately. Any reimbursement by the contractor to the tenant for any damage or loss caused will be by the mutual agreement of the two parties concerned.

When visiting a property the Contractor will not:

- smoke within the Shire's property;
- be under the influence of drugs or alcohol when entering the property or while performing work for the Shire;

- accept or provide drugs or alcohol from/to the occupants of the property or induce any occupants of the house to partake in any such activity;
- use offensive language when conducting business with the Shire or its tenants;
- in action or words do or say things that could be interpreted as intimidating or discriminatory;
- discuss or divulge information with the tenants in relation to the Shire’s business or activities;
- discuss or divulge with any other person any private details concerning the occupants of the units;
- advise the occupants of any financial details concerning the contract or the cost of works carried out; or
- make any public comments concerning the policies of the Shire or its contracting system.

Emergency maintenance (after Shire hours)

In cases of urgency (e.g.; electrical or water issues that are considered unsafe and cannot reasonably wait until Shire office hours resume), tenants may call the Shire’s preferred contractors (as listed in the Handbook for Tenants). In these instances, the contractor and tenant must advise Shire staff, upon their return to work, of whatever has occurred outside of hours.

MP15 Settling of disputes

Importance of Written Records

Whatever the problem that ends up in Court, it is important that staff keep written records of all communication with tenants to ensure there is adequate documentation to present as evidence in any matters that are to be heard before a court. Such documentation should be kept on the tenant’s file.

Applications must be made to the court closest to the rented premises, unless the parties in the dispute agree to a different arrangement.

The address of the Court, where the hearing will take place, is shown on a form, which will be sent to the Shire. Court staff will advise on the correct form to lodge for a hearing or to defend a matter in dispute, and the application fee cost. However, Court staff cannot give advice about the strength of the case, the possible result or what evidence might be needed.

Preparation is Important

The Shire will need records of all notices, receipts and other relevant documents that will support the case. The Shire will take both the original documents and photocopies to court.

If witnesses are to be called to support the case, the Shire will supply the following details:

- the hearing date;
- the court they should go to; and
- any documents that they should bring.

If a witness is vital to the Shire’s case but will not come to court voluntarily, the Shire can serve him/her with a Summons to Witness. The document needs to be served on the witness personally, it cannot be sent by post. The Shire will also need to give the witness sufficient money to enable them to use public transport for the return trip to the court.