

	<h1>District Council of Cleve</h1>	Version No:	3.0
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Policy Name: 16.1 - TENANCY OF COUNCIL HOUSES

1. INTRODUCTION

The purpose of this Policy is to provide guidelines for the allocation and rental of Council housing to employees. Council housing includes house, outside structures, grounds, curtains/blinds and fittings.

2. ALLOCATION OF COUNCIL HOUSING

In order to recruit and retain executive officer positions - Chief Executive Officer, Manager Corporate Services, and Manager Infrastructure & Civil Works, Council may offer subsidised housing to the employee. This is negotiated as part of their employment package.

In particular, this policy applies to housing that is owned and maintained by the Council.

3. GENERAL CONDITIONS AND RESPONSIBILITIES

The District Council of Cleve is responsible for maintaining the tenant's premises to a reasonable standard.

The tenant is responsible for cost of repairs due to intentional damage or neglect that is caused by the tenant or a member of the tenant's household or a visitor who enters the tenant's premises with the tenant's permission.

The tenant has the right to accept or dispute liability for tenant repair costs. If the tenant disputes liability, Council will suspend the cost recovery process and review the decision to charge the tenant.

The tenant can expect Council:

- To collect and record information about the type and extent of damage to premises and the circumstances under which the damage may have occurred
- To provide the tenant with notice when Council considers the tenant is responsible for tenant repair costs

- Before the tenant vacates the premises Council will carry out a final inspection in the tenant's presence and complete a Property Condition Report.

Council expects the tenant:

- To abide by the terms and conditions of this policy
- To take good care of the premises and keep them reasonably clean
- To report as soon as possible if the premises has been damaged
- To pay for tenant repair costs
- To report to SAPOL any damage that is suspected to have resulted from criminal activity, such as break and enter, vandalism
- When a tenant vacates a Council premises to:
 - restore the premises to condition they were in at the start of the tenancy, after allowing for fair wear and tear; and return keys to Council.

4. DETERMINING REPAIR RESPONSIBILITY

The following types of damage are typical of incidents where the tenant maybe responsible for tenant repair costs:

- Broken windows
- Punctured internal cabinet doors and walls
- Burns or other damage to carpets that cannot be considered fair wear and tear
- Broken and damaged clotheslines and hoists
- Broken locks
- Damaged doors and security screens
- Damage to toilets and basins
- Sewer chokes caused by items flushed down the toilet such as sanitary pads, nappies or toys
- Abandoned furniture or vehicles at the end of the tenancy

Damage to premises that is the tenant's responsibility includes:

- Damage that is intentional
- Failure to take care to prevent damage (neglect)
- Failure to keep the premises in reasonably clean condition
- Failure to restore premises to their condition at the start of the tenancy, allowing for fair wear and tear
- Intentional damage, or neglect leading to damage, that is caused by any member of the household, pets or any visitor who enters the premises with the tenant's permission

To determine who is responsible for the cost of repairing damage to the property, Council will:

- Take into account the type of damage and any information concerning liability the tenant gave Council when reporting the damage
- Inspect the premises and document the damage where appropriate
- Discuss the items of damage with the tenant and record information the tenant or a third party gives Council about the possible cause of the damage

- Take into account the condition of the premises at the beginning of the tenancy, as stated in the Property Condition Report and any evidence of work undertaken on the property at the start or during the tenancy.
- Take into account damage due to fair wear and tear, which Council are responsible to repair
- Take into account damage due to an emergency situation where there was good cause to believe that the tenant's health and well being was at risk
- Consider whether ill health or inability to maintain the premises has contributed to the damage. In these circumstances the tenant is required to provide evidence
- Consider whether the damage is a result of criminal activity

5. VACATING TENANTS

Before vacating the premises, the tenant must restore them to the condition they were in at the start of the tenancy, after allowing for fair wear and tear. This includes cleaning, rubbish removal and the non-abandonment of goods, including furniture and vehicles. Before vacating, Council must carry out a final inspection in the presence of the tenant and complete a final Property Condition Report. Once the tenant has returned the keys to Council and provided vacant possession, the tenant is no longer responsible for damage that occurs after that. It is the tenant who is responsible for returning the keys to Council, not the neighbours or another third party.

The tenant must give Council 14 days' notice before vacating. This allows Council time to complete the Property Condition Report. This will establish whether there is any unrepaired damage and will enable the tenant and Council to agree on who is responsible for the damage.

It will also be the tenant's responsibility to ensure the carpets are professionally cleaned at their expense. The only exception to this would be if the carpet is to be removed and/or replaced.

Once employment with the District Council of Cleve ceases then the tenant will be required to vacate the premises, unless otherwise negotiated, within 14 days.

6. REVIEWING DECISIONS

The tenant may request a review of Council decision:

- to charge Tenant Repair Costs;
- not to waive Tenant Repairs Costs on the grounds of ill health, domestic violence or the criminal activity of a third party

7. PROPERTY ADVISORY COMMITTEE

Council's Property Advisory Committee will conduct an annual inspection of the Council property:

- to assess whether any maintenance is required to keep the property in a fair and reasonable standard
- to assess whether the tenant is abiding by the general terms and conditions of this policy.

This usually happens in February and maintenance items are then considered for the following financial year's budget.

If requests arise in between annual inspections, a letter should be submitted to the Property Advisory Committee, and a decision in writing then forwarded to the tenant. i.e. skylights, ceiling fans, hand railing. Any requests of a minor nature (< \$500) the Chief Executive Officer will rule on. i.e. permission sought for hooks/nails for hanging &/or power, phone or television outlets.

8. WATER RATES

It is the responsibility of the tenants to maintain the grounds. In recognition of the need for water to do this, Council will pay the water rates.

9. GENERAL MAINTENANCE

General repairs regarding Toilets, Water Pumps, Taps, Hot Water Systems, Water pipes, Electricity, Air-conditioners, etc should be reported and (if through no fault of the occupier) a Council Purchase Order should be raised and the problem dealt with as soon as possible. Ideally the purchase order will be approved by someone other than the tenant.

10. MAINTENANCE PROGRAMS

- Pest Treatments

The District Council of Cleve keeps current with scheduled white ant treatments and inspections. An annual inspection will be carried out.

Council also provides an annual treatment inside of property and of outdoor structures for spiders and flies.

- Air-Conditioner

The air-conditioners are to be serviced annually.

- Septic Desludging

Every 4 years all Council residences will have their septic desludged.

These dates and times will be organised with the tenant to provide ample notice and entry onto premises.

- Swimming Pool
Any swimming pools will be maintained and cleaned by the tenant to a reasonable seasonal standard. Council acknowledges that this is labour intensive and will provide all pool products to enable this.

11. INSURANCE

The District Council of Cleve is responsible for building insurance.

Note: Contents insurance is the responsibility of the tenant.

12. COMMERCIAL RENT

When the property isn't in use by executive officers and circumstances allow, Council can facilitate a long term rental agreement to the general public. The amount of rent is to be paid fortnightly and set by the Property Advisory Committee in conjunction with Real Estate agent advice.

13. LEGISLATION

Residential Tenancies Act 1995

14. AVAILABILITY OF THE POLICY

This Policy will be available for inspection at the Council's offices during ordinary business hours and via the Council's website <http://www.cleve.sa.gov.au>. Electronic versions are the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

15. ADOPTION OF POLICY

This Policy was adopted by the Council at its Ordinary Council meeting on 13th April 2021.



Peter Arnold

Chief Executive Officer

16. DOCUMENT REVIEW

This document will be reviewed by the District Council of Cleve following Council elections every (4) four years.

17. REVIEW HISTORY

Version	Issue Date	Author	Reason for Change
3.0	13/04/2021	Jodie B	Minor updates following Council election 2018 Formatting Added legislation, availability of policy, adoption of policy, document review and review history sections.