

EVICTON

SOUTHERN CROSS HOUSING FACT SHEET



When you sign a lease with Southern Cross Housing you are agreeing to pay rent when due, provide good property care, not undertake modifications to the structure of your property and behave in a way that does not negatively affect other people in your neighbourhood. There are other conditions that also need to be adhered to. If you seriously or repeatedly breach conditions that are contained in your tenancy agreement you may be evicted from your property.

WHAT HAPPENS WHEN I AM IN SERIOUS BREACH OF MY TENANCY AGREEMENT?

If you have breached the terms of your tenancy agreement, you may be issued a Notice of Termination and given an opportunity to rectify the problem, whether that be:

- Making payments toward arrears.
- Entering into a payment plan.
- Rectifying noise complaints or behavioural issues.
- Managing and paying for maintenance of damaged property.

WHAT HAPPENS IF I DONT RECTIFY THE ISSUE?

If you do not rectify the issue after receiving the Notice of Termination, Southern Cross Housing may make an application for a hearing with the NSW Civil and Administrative Tribunal (NCAT).



NSW CIVIL AND ADMINISTRATIVE TRIBUNAL

The NSW Civil and Administrative Tribunal is a specialist tribunal service that can be engaged to help resolve an issue or dispute fairly and according to the law. If an application is lodged for a hearing, both parties (SCH and the Tenant) will be able to be called upon to provide evidence in relation to the dispute. As a guide, the following process is undertaken.

1. Application

An application is lodged for a tribunal hearing.

2. Conciliation

The case may be resolved prior to the hearing. During conciliation alternate solutions are presented, and an agreement is made.

3. Hearing

If conciliation cannot be made, a hearing is held, and a tribunal member hears both sides of the case.

4. Decision

A Tribunal member makes a decision about that tenancy and this decision is legally binding on both parties.

5. Appeals

If you are unhappy with the tribunals decision you may appeal the decision through an application to the Tribunal.

6. Specific Performance Order

A Specific Performance Order from the NSW Civil and Administrative Tribunal orders a tenant to correct a breach of their tenancy agreement.

EVICTION

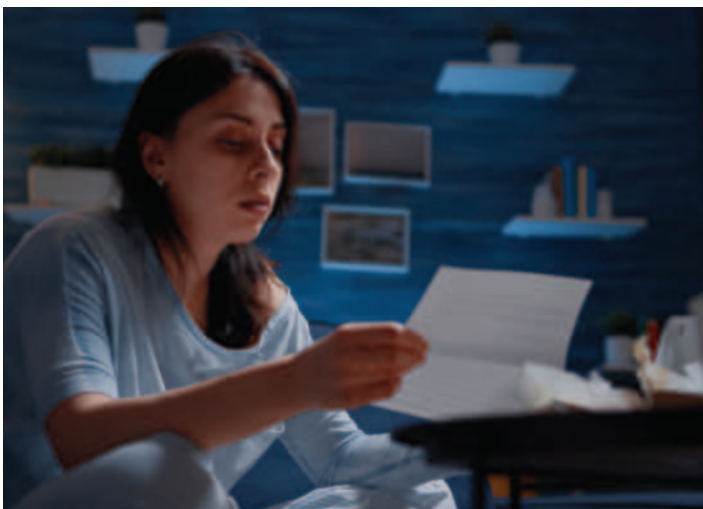
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PRIOR TO EVICTION

If a Tenancy is terminated by NCAT and a possession order is issued, the tenant will be notified according to requirements that are outlined in the Residential Tenancy Act (2010). These requirements are as follows:

- An outcome letter with the Notice of Order will be delivered by hand to the premises within 24 hours of the hearing by a Southern Cross Housing, Housing Officer.
- The tenancy agreement will be terminated immediately and vacant possession may be suspended to another date for the tenant to hand back the property. The tenant will be required to have all possessions removed by this date and the property cleaned and all rubbish removed.
- If the tenant does not vacate the property by the due date Southern Cross Housing will apply for a Warrant for Possession.
- When the warrant is received at Southern Cross Housing, a NSW Sheriff will be engaged by Southern Cross Housing to remove the tenant and other occupants. Giving SCH vacant possession of the property immediately.



WHAT TO EXPECT DURING THE PROCESS?

Once the eviction has been executed, locks will be changed and the tenant must arrange with SCH a time and date to come back and remove any goods that they cannot take with them at the time of the eviction. Any household goods that are left at the property will be held by SCH for 14 days and personal papers including photos will be held for 90 days. After this period of time, they will be disposed of at the tenants expense. The tenant may also be charged storage fees for any goods that are held.

Apart from normal wear and tear, the property will need to be in as near as possible to the condition that it was at the beginning of the tenancy. If there are any damages to the property the tenant will be held liable for any charges associated with bringing the property back to a reasonable state of repair and cleanliness.

The Tenants' Advice & Advocacy Services is a free service that offers information regarding Tenants rights in all matters relating to evictions and other housing matters. You can access this support by calling the Tenants Union of NSW on 1800 807 225.