

Occupancy of Property Policy

1. Purpose

This document defines Compass Housing Services Co Ltd (Compass) approach to occupancy of Compass properties, including tenant occupancy, additional occupants and visitors.

2. Scope

This policy applies to all tenants and household members of Compass properties.

3. Policy Statement

Compass recognises that social and affordable housing is a limited resource and in high demand. Compass expects tenants to live in their property in accordance with the obligations of their Residential Tenancy Agreement.

Compass recognises the changing needs of tenants in relation to their tenancy and the property they live in. Compass is committed to addressing the changing needs of tenants and will endeavour to meet their needs in the most appropriate way.

4. Personal Occupancy

It is a term of the Residential Tenancy Agreement that the tenant will personally occupy the property at all times. If a tenant is required to be away from the property for more than four (4) weeks, they must, where possible, notify Compass and apply for approval to be absent from the property.

5. Visitors

A visitor is a person who temporarily stays at the property at the invitation of the tenant. Visitors can stay for a maximum of 28 days only. If the tenant wants the visitor to stay longer, the tenant must apply to Compass for approval to extend the stay. Compass will only consider extensions in exceptional circumstances. If the tenant allows the visitor to remain at the property for longer than 28 days without approval, the tenant may be in breach of their Residential Tenancy Agreement for allowing unauthorised occupant(s) to reside at the property.

6. Additional Occupant(s)

Tenants are allocated properties based on their household size and are charged rent and water usage based on the combined household income. When a tenant signs a Residential Tenancy Agreement the agreement states the maximum number of people who can occupy the property. This number is based on a number of factors relative to the type and location of the property, including health and safety issues, household composition including age and gender of household members.

6.1. Application for Additional Occupant(s)

When a tenant wants to add an additional person to their household, they are required to complete an Additional Occupant application form and submit this to Compass before the person moves into the property. The application must include income details for the proposed additional occupant(s).

6.2. Assessing Application for Additional Occupant(s)

Compass will assess applications for additional occupant(s) fairly and transparently. The assessment of applications will consider:

- The tenant's rent and non-rent accounts are up to date;
- Approval of the application will not cause overcrowding;
- The proposed additional occupant meets the criteria to live in social housing;
- The proposed additional occupant does not have a poor record of tenancy with Compass or another housing provider;
- The proposed additional occupant is not an unsatisfactory former tenant or ineligible former tenant;
- A nuisance or annoyance will not occur by approving the additional occupant;
- The proposed new household composition is suitable for the type of property;
- The proposed additional occupant does not owe money to Compass from a previous tenancy, or has made acceptable arrangement to repay the debt; and
- The proposed additional occupant has finalised any current tenancy they may have with another social housing provider.

6.3. Approval of Additional Occupant(s)

If the application for the additional occupant(s) is approved Compass will:

- Notify the tenant in writing outlining their responsibilities for the additional occupant; and
- Recalculate the rent based on the household income.

6.4. Declining the Application for Additional Occupant(s)

If, based on the information available, Compass declines the application for additional occupant(s) Compass will:

- Inform the tenant in writing;
- Provide reasons for declining the application; and
- Provide information on Compass' 'review of decisions' process.

7. Unauthorised Occupants

If the tenant does not apply in writing for approval to house an additional occupant(s), and Compass has reasonable grounds to believe there is a non-approved occupant(s) living at the property, Compass will give the tenant 14 days to submit an application for the person(s) to become an additional occupant or move out of the property. If the tenant does not submit an application or the unauthorised person does not leave the property, Compass will cancel the tenant's rent subsidy and they will be charged market rent.

8. Household Members Vacating the Property

If a household member leaves the property, the tenant must notify Compass and provide evidence that the former household member has vacated, the types of evidence Compass will accept includes:

- A Residential Tenancy Agreement in the name of the vacated tenant;
- Recent utility or telephone bills in the name of the vacated tenant;
- Driver's licence or government issued Photo Card (ID card) with the address;
- Statutory Declaration.

When confirmation is received Compass will recalculate the rent based on the remaining household income and advise the tenant of any change in rent payments.

9. Review of Decisions

If a tenant does not agree with a decision Compass has made, they should first discuss this with a Tenancy Relations Officer. If the tenant is still dissatisfied, they have the right to lodge an appeal for a formal review of the decision. Appeal Request forms are available on the Compass website or by contacting a Compass branch.

10. Legislation and Compliance

- Residential Tenancies Act 2010 (NSW)
- Residential Tenancies Regulations (NSW)
- Housing Act 2001
- Residential Tenancy Agreement

11. Policy Implementation and Review

This Policy will be implemented and published on Compass intranet once approved. Employees receive communications and training on new and reviewed policies and procedures.

Compass will review this policy on a regular basis. Refer to Compass Policy and Procedure Development Approval and Review (PROC-011) for information on the document review process.

Confirmation of internal compliance with this policy will be undertaken regularly.

12. Related documents and resources

- Application for Additional Occupant form
- Residential Tenancy Agreement
- Rent Subsidy form
- Absence from Property Policy
- Ending Tenancy Policy

13. Definitions

| Term | Definition |
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| Appeal | A request to review a decision made by Compass that the tenant is dissatisfied with |
| Approved Additional Occupant | A person, in addition to the tenant, who is approved by Compass to live in the property |
| Compass | Compass Housing Services Co. Ltd |
| Compass Group | The corporate structure that includes Compass (as the Parent Company) and the boards of Subsidiary Companies, Governance Committees and advisory groups as created from time to time. |
| Director | Has the same meaning as defined in the Corporations Act 2001 Part 1.2 Division 1 Section 9 Dictionary in Australia and as defined in the Companies Act 1992 Part 1 Section 2 Interpretation in New Zealand |
| Employee | A person engaged under an employment agreement or award by any company in the Compass Group. |
| Landlord | The person who grants the right to occupy a property under a Residential Tenancy Agreement |
| NSW Civil & Administrative Tribunal (NCAT) | An independent statutory body that resolves disputes including tenancy disputes. Orders made by the NCAT are enforceable |
| Officer | Has the same meaning as defined in the Corporations Act 2001 Part 1.2 Division 1 Section 9 Dictionary in Australia and as defined in the Companies Act 1992 Part 1 Section 2 Interpretation in New Zealand |
| Parent Board | The current directors of Compass. |
| Parent Company | Compass Housing Services Co Ltd (Compass) |
| Residential Tenancy Agreement | The written agreement between Compass and the tenant |
| Subsidiary Boards | The appointed board of directors of a Subsidiary Company. |
| Subsidiary Company | A company in which Compass owns all or at least a majority of the shares. |
| Tenant | A person who signs the Residential Tenancy Agreement with Compass |
| Worker (Compass) | <p>has the same meaning as defined in the NSW Work Health and Safety Act 2011 No 10 Subdivision 2 Part 7 Meaning of 'worker' (1) A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:</p> <ol style="list-style-type: none"> an employee, or a contractor or subcontractor, or an employee of a contractor or subcontractor, or an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or an outworker, or an apprentice or trainee, or a student gaining work experience, or a volunteer, or a person of a prescribed class. |

| Term | Definition |
|-----------------------------|---|
| Worker (Compass QLD) | is 'a person who works under a contract and, in relation to the work, is an employee for the purpose of assessment for PAYG withholding under the Taxation Administration Act 1953 (Cwlth), schedule 1, part 2-5'. This applies to a person for whom PAYG tax instalments are required or would be required to be withheld by their employer. |

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