

# Absence from Property Policy

## 1. Purpose

This policy defines Compass Housing Services Co Ltd (Compass) approach to ensuring properties are not left vacant for long period of time and how Compass manages absences from Compass properties.

## 2. Scope

This policy applies to all tenants of Compass.

## 3. Policy Statement

Compass recognises that social housing is a limited resource and in high demand. Compass expects tenants to live in their property in accordance with their obligations under the Residential Tenancies Act 2010. To ensure Compass meets its obligations as a social housing provider it is essential that properties are not left vacant by tenants for long periods of time.

Compass will **not** approve absences of more than twelve (12) months in total in any five (5) year period.

Tenants who will be away from their home must notify Compass and give reasonable notice of their absence even if other members of the household remain in the property. Tenants who will be away for up to four (4) weeks do not need Compass approval.

### 3.1. Reasons for absence

Tenants who are away from their property for longer than four (4) weeks need approval from Compass. Compass will approve an absence if it is satisfied that the tenant has an acceptable reason for being away.

Acceptable reasons for an absence up to three (3) months include:

- Caring for sick/frail family members;
- Hospitalisation, respite care, rehabilitation, aged care;
- Escaping domestic violence, harassment or threats of violence;
- Assisting with immigration matters in the tenant's country of origin;
- Holidays;
- Employment, education or training; and
- Incarceration (apart from when the reason for imprisonment is related to a breach of the Residential Tenancy Agreement).

Tenants will be required to provide evidence for an absence. Tenants are expected to meet their obligations of their Residential Tenancy Agreement during their absence.

Compass will not automatically approve repeat absences relating to holidays, employment, training or immigration matters. Each request will be considered on its merit.

### 3.2. Obtaining approval for absences

The tenant must obtain written approval from Compass to be away from their property for four (4) weeks or longer. Compass may approve a tenant being absent from their property for up to three (3) months under certain circumstances, including if it is satisfied all rental and non-rental accounts are paid up to date at the time of the request and that the rent and non-rent charges will continue to be paid during the absence.

The tenant must also appoint an agent during their absence. This person will be Compass main point of contact for inspections, repairs and ensuring the property is maintained and secure while the tenant is absent. The agent is usually another member of the household. Where the tenant lives alone, or is not contactable, Compass will require the tenant to provide contact details of someone who is prepared to act as an agent during the absence.

### 3.3. Absence without approval or in excess of agree time limit

If the tenant is away from their property without Compass approval, or away for longer than the approved time, Compass will try to contact the tenant to discuss the matter including any action Compass may take, this includes:

- Charging market rent from the time the absence was noted or from the date the approved absence expired;
- Apply to the NSW Civil & Administrative Tribunal (NCAT) for an order to terminate the tenancy.

### 3.4. Tenants who are incarcerated

If a tenant is going to prison, they can apply to retain their tenancy for up to three (3) months. If the term of imprisonment is longer than three (3) months, Compass may ask the tenant to relinquish their tenancy. An absence due to incarceration may be extended on review of the tenant's circumstances at the end of the three (3) month period, however, any extension will be for a maximum of six (6) months in total.

If the reason for imprisonment is related to a breach of the Residential Tenancy Agreement, Compass will take action to immediately terminate the tenancy.

If the tenant is not released from prison at the end of three (3) months, Compass may consider an application for Succession of Tenancy from a remaining household member, any applicant for Succession of Tenancy must meet all the requirements of the Compass Succession of Tenancy Policy.

If an application for Succession of Tenancy is not successful, Compass may seek to terminate the tenancy through the NCAT.

### 3.5. Tenants moving into an aged care facility

If a tenant moves into an aged care facility, Compass will request the tenant relinquish their tenancy unless the stay in the facility is for short term respite care.

Compass may consider an application from another household member for Succession of Tenancy.

### 3.6. Eligibility for reduced rent

In situations where a tenant is required to pay a fee to stay in an aged care facility (respite), hospital, rehabilitation or refuge accommodation or where they will not be able to access an income during the stay, Compass will consider applying a reduced rent. The tenant will be required to provide evidence of any fees or reduced income.

Where a tenant is in prison for a period of three (3) months or less (except where the reason for imprisonment is related to a breach of the Residential Tenancy Agreement), Compass may also recalculate the rent payments to a reduced amount. Where a tenant is in prison for longer than three (3) months they will be asked to relinquish their tenancy.

### 3.7. Care of the property during absences

The tenant has obligations during any absences. The tenant:

- Is required to continue to pay their rent and any other non-rent charges such as water usage;
- Must ensure the property is secure during the absence;
- Must plan for the property to be maintained during the absence, for example, lawns & gardens are maintained.

The tenant is required to appoint an agent to act on their behalf during the absence and provide Compass with the name and contact details of the person, the agent

- Must be over 18 years of age;
- May be another household member, family member, friend, support provided or solicitor;
- Must inspect and maintain the property during the tenant's absence.

### 3.8. Tenancy Reinstatement

Where a tenant has had to relinquish their tenancy because of being placed in prison or rehabilitation for up to twelve (12) months may be eligible for tenancy reinstatement on their release based on their eligibility for social housing. Tenants will be required to maintain contact with Compass and provide supporting documents confirming the reasons for their absence.

In some circumstances a tenant may have left their property without notification and Compass has terminated their tenancy. Where a tenant has an unapproved absence for serious health and or safety reasons such as domestic violence or illness, the former tenant may be eligible for tenancy reinstatement. The former tenant must apply for housing assistance within six (6) months of the termination of their tenancy and must be able to substantiate the reasons for the unapproved absence.

Tenancy reinstatement is determined on a case by case basis.

## 4. Review of decisions

If a tenant's application for absence from the property is declined, the tenant 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.

## 5. Legislation and Compliance

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

## 6. Policy Implementation and Review

This Policy will be implemented and published on Compass intranet once approved. Workers 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.

## 7. Related documents and resources

- Compass Succession of Tenancy Policy
- Compass Ending Tenancies Policy
- Compass Review of Decisions (Appeals) Policy

## 8. Definitions

Term	Definition
<b>Agent</b>	A person who is at least 18 years of age who the tenant has authorised to act on the tenant’s behalf while the tenant is absent from the property.
<b>Appeal</b>	A request for a review of a decision made by Compass that the tenant is dissatisfied with
<b>Approved additional occupant</b>	A person, in addition to the tenant, who is approved by Compass to live in the property
<b>Compass</b>	Compass Housing Services Co. Ltd
<b>Compass Group</b>	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.
<b>Director</b>	Has the same meaning as defined in the <a href="#">Corporations Act 2001 Part 1.2 Division 1 Section 9 Dictionary</a> in Australia and as defined in the <a href="#">Companies Act 1992 Part 1 Section 2 Interpretation</a> in New Zealand
<b>Landlord</b>	The person who grants the right to occupy a property under a Residential Tenancy Agreement
<b>NSW Civil &amp; Administrative Tribunal (NCAT)</b>	An independent statutory body that resolves disputes including tenancy disputes. Orders made by the NCAT are enforceable
<b>Officer</b>	Has the same meaning as defined in the <a href="#">Corporations Act 2001 Part 1.2 Division 1 Section 9 Dictionary</a> in Australia and as defined in the <a href="#">Companies Act 1992 Part 1 Section 2 Interpretation</a> in New Zealand
<b>Parent Board</b>	The current directors of Compass.
<b>Parent Company</b>	Compass Housing Services Co Ltd (Compass)
<b>Residential Tenancy Agreement</b>	The written agreement between Compass and the tenant

Term	Definition
<b>Subsidiary Boards</b>	The appointed board of directors of a Subsidiary Company.
<b>Subsidiary Company</b>	A company in which Compass owns all or at least a majority of the shares.
<b>Tenant</b>	A person who signs the Residential Tenancy Agreement with Compass
<b>Worker (Compass)</b>	has the same meaning as defined in the <a href="#">NSW Work Health and Safety Act 2011 No 10</a> 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: <ul style="list-style-type: none"> <li>a) an employee, or</li> <li>b) a contractor or subcontractor, or</li> <li>c) an employee of a contractor or subcontractor, or</li> <li>d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or</li> <li>e) an outworker, or</li> <li>f) an apprentice or trainee, or</li> <li>g) a student gaining work experience, or</li> <li>h) a volunteer, or</li> <li>i) a person of a prescribed class.</li> </ul>
<b>Worker (Compass QLD)</b>	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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