



Probationary Tenancy Trial

FAQs Frequently Asked Questions

GENERAL

Why is this Trial being carried out?

The Trial is designed to encourage tenants to take their tenancy responsibilities seriously.

While the majority of public housing tenants do the right thing a small minority fail to fulfil their obligations. The objective of the Trial is to re-emphasise and improve tenants' understanding of their obligations.

The Trial is supported by the Minister for Housing.

Does the Trial apply to all public housing tenants in Western Australia?

No, the Trial only applies to eligible public housing applicants who are allocated a property in the Fremantle zone within the first 6 months of the trial period.

When will the Trial start?

The Trial will commence in July 2015.

What is a probationary tenancy?

A probationary tenancy is a 6 month fixed term tenancy. Under the Trial, tenancies will be monitored to ensure tenants are meeting their obligations under the *Residential Tenancies Act 1987*.

Tenants who fulfil their obligations will have their tenancy renewed and will move to a periodic tenancy.

Tenants who do not fulfil their obligations will not have their tenancy agreement renewed.

What is a fixed term tenancy?

A fixed term tenancy is a tenancy agreement with an expiry date.

What is a periodic tenancy?

A periodic tenancy is a tenancy agreement with no expiry date.

Is this the same as other states/territories?

Yes, it is common in most states in Australia that public housing tenants are offered fixed term tenancy agreements.

Does the Trial meet requirements of the *Residential Tenancies Act 1987*?

Yes, non-renewal of a fixed term tenancy agreement is permitted under section 70A of the *Residential Tenancies Act 1987* subject to the Department providing no less than 30 days' notice.

Will the Trial affect other zones?

At this point, the Trial will only operate in the Fremantle zone.

What will happen at the end of the Trial?

The Department will use the data collected from the Trial to consider the effectiveness of probationary tenancies prior to considering implementation in other zones.



INFORMATION FOR APPLICANTS / TENANTS

How will being a part of the Trial affect me?

All tenants, regardless of location, must meet all of their tenancy obligations.

Tenants affected by the Trial will sign a 6 month tenancy agreement, which will be reviewed before a periodic tenancy is considered.

I am an existing tenant in the Fremantle zone, does this apply to me?

No, the Trial does not apply to existing tenants.

I'm aged 55 years or older, what does this mean for me?

If you are aged 55 years or older the Trial does not apply to you.

However, it does apply to you if you have previously been a public housing tenant and have a poor tenancy history which warrants specific conditions under the Department's Eligibility Policy relating to Further Assistance.

If your partner or co-applicant is under 55 years of age you will be included in the Trial.

I am an applicant waiting for public housing in the Fremantle zone, does this apply to me?

Yes, you will be included in the Trial if you are allocated a property within the first 6 months of the Trial period.

What happens if I decline an offer?

Declining an offer for housing because you do not want a fixed term tenancy is not a valid reason and will result in your application being withdrawn from the waitlist. You cannot appeal this decision under the Department's Housing Appeals Mechanism. If you have a valid reason for declining it will be assessed under the Department's Policy.

What happens during my probationary tenancy?

Prior to commencement of your tenancy you will attend a sign-up meeting. This meeting is designed to ensure you have a clear understanding of what your obligations are as a tenant.

Your Housing Services Officer will be your go-to contact if you have any queries.

They will:

- provide you with a sign-up pack containing your tenancy agreement, brochures and other important paperwork.
- conduct a property inspection approximately 3 months into your tenancy to ensure you are maintaining your property to the standard expected.

What are my obligations as a probationary tenant?

Your obligations are the same as any other tenant. You must:

- pay your rent
- look after your property
- be a good neighbour.

What if I fail to meet my obligations?

The Department will review your tenancy to determine if you have met all of your obligations.

If you fail to meet your obligations, you may be offered an additional 6 month probationary tenancy so you can demonstrate your ability to meet your obligations or your tenancy will not be renewed.



INFORMATION FOR APPLICANTS / TENANTS continued

If I fail to meet my obligations, how will I know if my tenancy is not going to be renewed?

The Department will send you a written notice advising that you must vacate the property and return the keys.

If you fail to do this, the Department will apply to the court for eviction.

What if I breach the conditions of my tenancy agreement during the probationary period?

A breach of conditions of your tenancy agreement may result in the termination of your tenancy agreement under the *Residential Tenancies Act 1987* before the expiry of the 6 month period.

Breaches, strikes for serious and dangerous disruptive behaviour, and illegal use of premises action, will be dealt with in accordance with the Department's policies. This may result in termination of your tenancy.

Can I appeal the decision to terminate my tenancy?

No, a termination of a fixed term tenancy cannot be appealed through the Department's Housing Appeals Mechanism.

What if I have had a history of disruptive behaviour?

If you have a history of disruptive behaviour, you may be offered housing assistance subject to meeting specified conditions under the Department's Eligibility Policy relating to Further Assistance.

What if I have existing debt with Housing?

In accordance with the Department's Eligibility Policy, applicants with a debt to the Department are required to repay the debt before further assistance is given.

What help is available to me to so I can meet my tenancy obligations?

If you are having trouble meeting your tenancy obligations you can apply for the Support and Tenant Education Program (STEP).

Participation in the program is voluntary. To apply for the program you will need to complete a STEP Offer form, available from your Housing Services Officer. Places in the program are limited.

Where can I get more information?

You can visit the Department's website at www.housing.wa.gov.au, call the Fremantle office on **08 9432 5300** or email generalenquiries@housing.wa.gov.au.