



McCORMACK HOUSING

Eviction Procedure

A rental agreement may be ended for a number of reasons.

In some cases, a renter may choose to move out. If you decide you want to move, you must tell McCormack Housing beforehand.



Sometimes, McCormack Housing will need to ask a person to move out of their house. To do this, there are steps McCormack Housing needs to follow. This is called an eviction.

These steps are a little different, depending on the reason you are being asked to move out, and the type of rental agreement you have with us.



There are two main types of rental agreement:



Fixed Term Agreements

are for a set time, like 6 months or 1 year



Periodic Agreements

do not have a date that they finish

To evict you from your house, McCormack Housing may need to ask for permission from the **Victorian Civil and Administrative Tribunal (VCAT)**. VCAT can help sort out issues between renters and rental providers. VCAT is not a court, but has powers to make decisions and give orders under law.



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TENANCY AT RISK

McCormack Housing's Key Mission is to "Provide safe and reliable homes to rebuild lives...". We want you to succeed, and we are here to provide you with the help you need. If your tenancy appears to be at risk for any reason (for example, you have not paid rent, or you have broken your tenancy agreement) your Tenancy Officer will let you know and try to help, or refer you to other services that can help.

NOTICE TO VACATE

If McCormack Housing is unable to help you fix the things that put your tenancy at risk and wants you to move out, we must give you a written "Notice to Vacate". This notice can be given to you in person, sent by registered mail, or sent by email. It cannot be left under your door or in your letterbox. The Notice to Vacate will tell you why you are being asked to leave, and the date on which McCormack Housing wants to end the rental agreement we have with you. The amount of time between receiving this notice, and the date your agreement will end, is different for each situation.

THE TRIBUNAL (VCAT)

After giving you a notice to vacate, McCormack Housing must apply to VCAT for a hearing to evict you from the house if you do not want to leave. We **cannot** physically remove you or stop you from accessing the house.

If you resolve the issues before your case goes to VCAT (for example, you catch up on unpaid rent), then (in the first 3 instances) the Notice to Vacate is cancelled.

VCAT could decide that McCormack Housing have made the wrong decision and allow you to stay in the house. They also have the option of giving a 'compliance order' instead - this type of order means you must follow their directions to fix the issue, or risk eviction later.

If VCAT decides you should move out, McCormack Housing can then purchase a possession order (Warrant of Possession). You can ask VCAT to delay issuing this order for up to 30 days, if it will make things really tough for you, or if you have nowhere else to go.

WARRANT OF POSSESSION

McCormack Housing has 6 months after the VCAT hearing to purchase a 'Warrant of Possession', if the tribunal agreed that you can be evicted.

McCormack Housing needs to give this order to the police, who are the only ones that can remove you from the property. The Order tells the police that you have been evicted from the house and gives them permission to ask you to leave. The order only lasts for 14 days once it has been purchased, if it is not given to you in this time, it is cancelled and McCormack Housing will need to apply to VCAT for another one.

THINGS LEFT BEHIND

If you leave some of your property at the house after you move out, McCormack Housing must keep most things for 14 days (we may throw out things like food or dangerous items). We will keep personal documents (like your birth certificate or Centrelink paperwork) for 90 days - and we will try to contact you to let you know that we have them. After this time, we may dispose of your property. Please contact us as soon as possible to make arrangements about anything you left behind.