

Absence from Property

Overview

This policy explains our rules about tenants being away from their property.

Scope

This policy applies to all tenancies managed by Muslim Care

Approval for absences

Tenants need our approval to be away from their home for more than 6 weeks, even if other household members will be staying in the home while they are away. Approval must be requested in writing. We may ask you to give us evidence to show why you will be away from your property.

We may approve an absence of up to 6 months if:

- The rent and water charges will continue to be paid.
- The property will be looked after.
- There are acceptable reasons for going away.

Some acceptable reasons for being away for up to 6 months are:

- Caring for sick/frail family members.
- Hospitalisation, institutional care, nursing home care or rehabilitation.
- Escaping domestic or family violence, harassment or threats of violence.
- Assisting with immigration matters in the country of origin.
- Holidays.
- Employment, education or training.
- Going to prison. Note: If the reason for going to prison relates a breach of the Residential Tenancy Agreement, we may end the tenancy.

Repeat absences

We will not approve absences of more than 12 months in total over a 5-year period.

If the tenant is going to be in prison for more than 6 months, we will ask the tenant to relinquish their tenancy. Our Eligibility (Tenancy Reinstatement) policy has more information about relinquishing tenancies and tenancy reinstatement.

If a tenant is going into a nursing home permanently, we will not approve a request for a repeated absence and will ask the tenant to relinquish their tenancy, or another eligible household member may want to apply for succession. Our Succession of Tenancy policy has more information about succession.

Transitional tenancies

For transitional tenancies, where the maximum time a person can live in a property is generally limited under program guidelines, we will only approve an absence for up to 3 months during the period of transitional tenancy.

Delegations

A Team Leader can make decisions about absences for up to 3 months. Absences longer than 3 months must be approved by the Head of Region.

Rent and other charges

The rent and water charges or any debt owed must continue to be paid while the tenant is away. Rent and water charges will be the same during absences, unless we approve a reduced rent. More information about rent during approved absences can be found in our Rent policy.

We will continue to review rents during absences. Tenants are responsible for making sure that they provide income details when requested even if they are absent from their property.

Looking after the tenancy while the tenant is away

The tenant must nominate someone to act on their behalf while they are away. The person must be over 18 years of age.

The person that the tenant nominates must inspect the property regularly and maintain it to the standard stated in the Residential Tenancy Agreement.

If the person nominated isn't already an authorised household member and wants to live in the property while the tenant is away, they must apply to be an additional occupant. More information can be found in our Occupancy policy.

If the tenant is going to be away for more than 3 months, we will ask them to nominate a second person to contact about their tenancy.

Extended absence without approval

If we find that a tenant has been away from their home for more than 6 weeks without requesting approval or has stayed away longer than the time we have approved, we will try to contact the tenant. In these situations, we might:

- Charge the tenant market rent from the time they left/we were notified, or from the date the approval expired, and
- End the tenancy under the Residential Tenancies Act 2010.

Relevant legislation, regulation and standards

- Residential Tenancies Act 2010 (NSW)

Policy information

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