

HOMESWEST PROPERTIES — ANTISOCIAL BEHAVIOUR BY TENANTS

1529. Mr A.P. O'Gorman to the Minister for Housing and Works

- (1) Is it possible for tenants of Homeswest properties to be moved on when they are continually exhibiting undesirable behaviour?
- (2) How many times does a Homeswest tenant need to damage a property, and have Homeswest repair a property, before a tenant is evicted?
- (3) What is the process to evict someone from a Homeswest property?
- (4) How bad does a tenant have to be to be evicted, and is there a criteria that needs to be met?

Mr T.R. BUSWELL replied:

- (1) Yes.
- (2) The Department charges tenants for any repairs that are needed as a result of neglect, misuse or wilful damage, and eviction action will be taken where ongoing breaches of the tenancy agreement are not resolved by the tenant. Cases are managed based on their severity, without limiting the Department's action to a specific number of breaches.
- (3) The Department generally pursues legal action under section 62 of the Residential Tenancies Act 1987, under which a tenant is issued with a notice providing 14 days to rectify a substantiated breach of the tenancy agreement. If the breach is not rectified within that period, a Notice of Termination can be issued, requesting vacant possession of the premises within seven days.

If the tenant does not vacate within that time, the Department may apply to the Magistrates Court for a Warrant of Possession. An eviction can only be carried out if a Warrant is issued.

- (4) The Department will seek to evict a tenant where it is considered unlikely that the tenancy can continue without further serious breaches of the tenancy agreement occurring. In assessing this, the Department considers the severity of the issues, their causes, and whether the tenant has made legitimate efforts to resolve them.

I am currently considering advice from the Department on opportunities to improve its response to issues with disruptive behaviour.