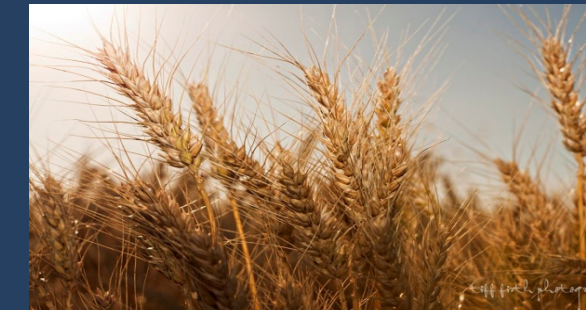




## Policy – Cummins Homes Tenancy



*“Working with our Rural & Coastal Communities”*



# PRM-POL-03 – CUMMINS HOMES TENANCY

Version No:	2.1
Issued:	April 2023
Next Review:	March 2026

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## 1. OVERVIEW

The Lower Eyre Council will support independent living for residents of the Cummins Homes with the aim of providing a safe and friendly environment in which residents can enjoy a good quality of life.

Council encourages residents to maintain a healthy lifestyle, but recognises individual tenant's right to privacy and independence.

The vision of the Lower Eyre Council is to provide quality, affordable, independent accommodation to satisfy the needs of tenants at the Cummins Homes while at all times promoting dignity and self-respect.

## 2. ELIGIBILITY

**The following eligibility criteria apply to residents of the Cummins Homes: -**

Applicants for tenancy must be able to live independently and be aged a minimum of fifty five (55) years at the time of tenancy.

Council recognises that independent living is supported by various government and community support schemes including meals on wheels and in-home health services.

Any application received from persons not able to live independently or from persons of a younger age will be assessed by Council on their individual merits, taking into account the level of vacancies and any other relevant factors.

Other factors taken into consideration when assessing Cummins Homes tenancy applications will include: -

- Current living circumstances of the applicant
- Health issues impacting on capacity to live independently
- Community and family support
- Ability of applicant to accept immediate tenancy
- History of satisfactory independent living

## 3. TENANCY CONDITIONS

### Tenancy - Allocation

Units are allocated to either one or two persons. Should either party vacate the unit for any reason, the tenancy shall revert to the tenant remaining in the unit.

Should a tenant wish to include a partner to the tenancy initially arranged with the Lower Eyre Council, an application form must be completed and duly witnessed for inclusion in Councils records. Tenancy cannot be altered unless it is formally agreed to by Council.

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### 3. TENANCY CONDITIONS

CONT'D:

#### Tenure

No resident of the Cummins Homes shall be required by Council to vacate their unit unless:

- The resident deliberately breaks the Conditions of Tenancy despite requests that unacceptable behaviour ceases; or
- The health of the resident deteriorates to the degree where alternative accommodation is required.

Residents who choose to vacate a unit should provide the Council with at least two weeks' notice of the vacancy. It is recognised that in some cases, this may not be possible.

A resident will never be influenced to remain in the unit if they wish to vacate at any time.

The Lower Eyre Council reserves the right to terminate a resident's occupation at any time, but gives an assurance that such an action will only be taken in an extreme situation or through blatant disregard of the Conditions of Tenancy, and after full consideration has been given to the circumstances.

#### Ambulance / Medical Cover

All tenants are encouraged to ensure they have current and appropriate levels of ambulance cover to meet their requirements.

Council accepts no responsibility for the payment of ambulance or medical charges to any tenant.

#### Smoking In Unit

Smoking is not permitted within the Cummins Homes units and is discouraged in public space areas within the Cummins Homes grounds.

#### Liability

Council has no insurance protection for any liability that might arise out of tenant/s actions.

#### Keys

Each resident is given a set of keys consisting of:

- Screen door
- Rear door
- Front door

Residents will not make duplicate copies of keys ( ) unless Council approval has been given.

Lost keys need to be reported to Council, and arrangements will be made for replacement of the keys.

Master Keys to the units are retained by Council. Upon exit of a unit, the resident needs to return all sets of keys to Council.

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### 3. TENANCY CONDITIONS

CONT'D:

#### **Insurance**

All personal property and possessions owned by the tenant are the responsibility of the tenant. The Lower Eyre Council does not accept responsibility for any loss of property owned by a tenant due to fire, theft, damage or other.

Tenants are urged to ensure that their insurance coverage is in order prior to taking up residency at the Cummins Homes.

The Lower Eyre Council will keep its own buildings and property at the Cummins Homes insured at all times and, in the event of any part being damaged or destroyed, will repair or rebuild as soon as practicable to a condition equal to that prior to such damage or destruction.

#### **Telephone**

All residents have the option to have a landline telephone service active in their unit. All service costs are the responsibility of the tenant.

Approval can be sought from Council to have additional telephone extension points installed in a unit if there is currently only one extension available, subject to the cost of providing the extension being the responsibility of the tenant.

Additional extension points installed will revert to Council ownership at the time a tenant vacates the unit.

#### **Electricity**

All tenants will be responsible for the connection & disconnection of electricity to their unit and all subsequent charges.

#### **Alterations / Additions to Unit**

A tenant may not make an alteration or addition to the premises without the written consent of the Lower Eyre Council.

The tenant must seek the concurrence of the Lower Eyre Council prior to installing any fittings. Any permanent fitting installed becomes the property of Council and a formal agreement in writing between the tenant and the Council is required prior to such installation.

#### **Installation of Additional Items**

Written application must be made to Council for any other proposed alteration / additions to the unit. This includes the provision of extra power points, telephone points or television reception dishes.

Any additional items installed become the property of Council and the tenant's agreeance in writing to this requirement is required prior to such installation.



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### 3. TENANCY CONDITIONS

CONT'D:

#### Visitors

A car-park for visitors is provided on the southern side of the unit Complex.

Tenants can have relatives or friends visit and accommodated on a short-term basis. The purpose of the unit is to provide accommodation for the tenant/s that have made application to permanently reside at the Cummins Homes – but from time to time it is expected that a guest (or guests) may visit on a short-term basis.

#### Personal Heaters

Open-bar heaters are not permitted in the units as a safety precaution against the risk of fire. Reverse cycle air conditioning is provided in every unit and maintenance is provided by Council, however residents may choose to use oil or fan heaters if preferred.

#### Candles - Open Flame

Candles are not permitted to be used in the event of power failure etc.

Residents are required to keep a reliable torch handy in case of lighting problems, with self-charging torches being encouraged for use in case of emergencies.

No 'stand-by power' is available at the unit but power is always restored as soon as possible. The SA Power Networks information service telephone number for power failure is 131 366.

#### Keeping of Animals or Birds

Animals are not permitted to be kept in the units or at the Complex. Small pets will be considered on merit (for example a small bird or fish), subject to prior written application by the tenant, and the subsequent approval (in writing) of the Cummins Homes Committee or staff representative.

#### Carpets/ Lino, Light Fittings

If a tenant is not satisfied with the flooring or light fittings of the unit, he/she may replace such furnishings at his/her own cost, subject to the written approval of the Lower Eyre Council and subject to the commodity then becoming the sole property of Council.

Any items installed by the tenant becomes the property of Council and the tenant's agreeance in writing to this requirement is required prior to such installation.

Carpets may need to be cleaned professionally from time to time; however, arrangements for the work and payment for all associated costs is the responsibility of the tenant.

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### 3. TENANCY CONDITIONS

CONT'D:

#### Absence from Units

A contact number should be left with Council on any prolonged absence from the units so that tenants can be advised should an issue arise that needs their attention.

#### Curtains

A tenant may replace curtains provided in the unit by Council with curtains of their choice and seek reimbursement from the Lower Eyre Council for 50% of the value up to an amount of \$400.00 being made available per unit, subject to mutual agreement that the curtains shall then become the sole property of Council. If replacing curtains, it is necessary for a tenant to:-

- Return to Council the curtains that are being replaced;
- Acknowledge in writing that the curtains purchased for the unit will become the property of Council; and
- Present receipts and documentation relating to the transaction when seeking reimbursement.

#### Rental Payments - Late

The following process will be enacted by Council when tenants' rental is not maintained in accordance with the tenancy conditions:-

- 1 Telephone call to advise rent is in arrears when payment has not been made for 2 weeks, depending on pattern of payment of tenant. Confirm whether there is any temporary problem causing the delay in rental payment and offer the tenant an opportunity of making arrangements to meet payment;
- 2 Written notice of overdue rental when rent is 4 weeks in arrears;
- 3 If a satisfactory response has not been made by 6 weeks, contact may be made with member of family to liaise about payment;
- 4 Failing satisfactory arrangements being in place by 7 weeks, the tenant will be informed in writing that:
  - (1) Unless rental payments are brought up to date; or
  - (2) Payment in part is made, with a satisfactory on-going payment arrangement to bring rental payments up to date within a reasonable time frame, Council will refer the debt to its collection agency, with all legal costs being borne by the tenant.

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### 3. TENANCY CONDITIONS

CONT'D:

#### Use and Storage of Gophers

The Lower Eyre Council recognises that tenants at the Cummins Homes may wish to own and store a gopher on the premises. The following conditions apply to the use and storage of gophers:-

- The responsibility for and insurance of the gopher remains at all times the responsibility of the owner;
- Gophers may be housed in the car park facility providing there is an available space. However, first preference will be given to motor vehicles for space in the car park facility.
- Gophers are not to be housed in the car parks that have the maximum number of cars already housed in the facility by residents;
- External power points have been provided to each unit to enable tenants to plug in their gophers at their convenience. Extension cords may not be run to a car park or any other area to provide a power supply other than the direct access to the power point provided;
- Gophers that are housed in a car-park (*if and when a space is available to them*) must be aware that they will not have access to power;
- Gophers must be parked in a manner that does not impede persons walking on the path nor restrict access into the unit;
- Covering of any gopher to protect against weather, dust or other damage is the responsibility of the owner;
- Covering for the gopher must be stored in a manner while not in use so as not to impede any person walking on path or accessing unit;
- No fixed or temporary additions to the units or the car park to house or cover the gophers will be approved by Council;
- Gophers may be parked inside the unit provided they are of a size that can be manoeuvred into the unit without causing damage to the paintwork or structure;
- Gophers may be parked outside the unit for convenience of tenant. Issues of security are the tenant's responsibility and any method selected involving padlocks etc must be approved by Council.
- People driving gophers must do so with care and due respect to property and any other person using the path.



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#### 4. PRIVACY AND SECURITY

##### **Right of Entry / Inspection of Property**

The tenant shall allow access to the premises at all reasonable times to any person authorised by the Lower Eyre Council.

The Lower Eyre Council retains the right to enter a unit for an inspection of the structure, property, fixtures and fittings at intervals not exceeding quarterly periods.

Prior advice of at least two (2) days will be given that an internal inspection will take place.

##### **Security of Premises**

The Lower Eyre Council will take reasonable steps to provide and maintain the locks and security doors in order to ensure the premises are reasonably secure.

Written applications must be made to Council for approval of the installation of any extra security device.

##### **Privacy**

A resident's unit is regarded as their own personal space. Only under exceptional circumstances will Council employees enter a tenanted unit without invitation or specific permission. If access is required, contact will always be made with the tenant or the next of kin nominated on the admission form.

##### **Tenant/s Right to Possession and Quiet Enjoyment**

The Lower Eyre Council recognises that all tenants are entitled to quiet enjoyment of the premises without undue interruption and will not cause or permit any interference with the reasonable peace, comfort or privacy of a tenant during their tenancy at the Cummins Homes.

All due and reasonable care will be taken to maintain a peaceful environment for tenants.

##### **Emergency Assistance**

Emergency assistance can be accessed at any time by dialling "000".

Dialling 000 activates an emergency procedure. Even if a person is unable to identify themselves or elaborate on their particular issue, an immediate trace is triggered and assistance will be arranged by the ambulance services.

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#### 4. PRIVACY AND SECURITY

CONT'D:

##### Smoke Alarms

Smoke detectors have been installed in each unit for the safety of tenants.

Should a smoke alarm be *set off* and there is no potential for danger from fire, tenants are advised to open their doors / windows and allow the fresh air to clear the smoke. The alarm will cease when fresh air is restored.

In the event of danger, all tenants are directed to vacate the unit and wait in safety until a fire brigade arrives to manage the situation.

#### 5. UNIT MANAGEMENT

The units and Complex are owned, managed and administered by the Lower Eyre Council.

Council has appointed a Committee comprising Council representatives and community volunteers to make recommendations to Council and their Terms of Reference are as follows:-

- To consider policy issues pertaining to the management and development of the Cummins Homes complex and provide recommendations to Council regarding such issues.
- Day to day operational and maintenance matters are dealt with by Council staff in accordance with annual budgets and Council policies.
- To consider applications for tenancy of the Cummins Homes and make recommendations to the Chief Executive Officer regarding such issues.
- To meet with tenants at least once annually to discuss matters of interest such as maintenance and improvements.

Notwithstanding this policy, a tenant always has the right to provide any comment regarding their tenancy to Council or the Committee. This includes any concerns regarding safety or security standards and every endeavour will be made to ensure that all concerns are dealt with promptly and efficiently.

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## 5. UNIT MANAGEMENT

CONT'D:

### Unit Fit-Out

Each Unit is equipped with the following:-

- ~ Smoke detector
- ~ Electric stove;
- ~ Built-in bedroom wardrobes;
- ~ Built-in kitchen cupboards and shelving;
- ~ Shower (no bath);
- ~ Reverse cycle air conditioning;
- ~ Security screens – Master Key System;
- ~ Floor coverings (mainly carpet, with kitchen area having a lino surface);
- ~ Curtains and interior blinds;
- ~ External power points;
- ~ Rain water tanks
- ~ Limited car-port space available (adjacent units).

Although the standard of units may vary due to the time of refurbishment, it is Council's intention to maintain a consistent standard of appliance and fitting that is installed in each unit.

### Health and Welfare of Tenants

The Lower Eyre Council will fit out individual units in a like manner including provision of appropriate handrails and also personal security as outlined above.

Council will maintain communal property for the reasonable satisfaction and comfort of the tenants.

The Lower Eyre Council does not provide health care to tenants and tenants will need to make their own arrangements for the provision of such services.

### General Maintenance

General maintenance of the property, landscaped areas and units is undertaken by Council, generally using the available Northern Depot Works Department staff.

Tenants who become aware of maintenance issues which need to be attended to should contact the Council Office on 8676 0400.

Tenants have the opportunity to manage a small garden section adjacent their unit. Maintenance of these garden areas will generally remain the responsibility of the tenant, including when the tenant is away from the Homes for a period of time.

It is recommended that tenants carefully consider the make up of their garden areas in line with their particular circumstances to ensure that they are not a cause for concern when away.

Public garden areas are available to be enjoyed by all tenants.

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## 5. UNIT MANAGEMENT

CONT'D:

### Lighting

Security lights in the grounds have been installed for the convenience of tenants. Power and maintenance for these facilities are Council's responsibility.

### Condition of Premises and Ancillary Property

The Lower Eyre Council will ensure that the premises and ancillary property are in a good state of repair at the beginning of tenancy and will retain this standard having regard to their age, character and prospective life.

### Statutory Charges

The Lower Eyre Council shall pay all statutory rates, taxes and charges imposed in respect of the premises.

The electricity for public lighting will be the responsibility of the Lower Eyre Council.

### Repair of Fixture, Fittings and Structure of Unit

The tenant shall notify the Lower Eyre Council of any repairs necessary to fixtures, fittings and structure of their unit. The Council will assess the situation and make any necessary arrangements for repairs to be undertaken.

Any problem relating to the units or maintenance needs to be reported to Council in order to have the situation assessed and rectified. A tenant is able to secure the services of a tradesman for a privately owned asset – e.g., television; however, the Lower Eyre Council will not be responsible for payment for work where a Council representative has not authorised the work and issued a formal Purchase Order.

## 6. FORMS/ INFORMATION

R22/3137 - Residential Tenancy Agreement

R21/10963 - New Tenant Letter

R22/18019 – Exit Letter

R18/250 – Exit Inspection Form

R22/3135 – Application for Tenancy Form

R19/8306 – Acknowledgement of Application for Tenancy

R22/3281 – Cummins Homes Information Booklet

DOCUMENT HISTORY		
Version:	Issue Date:	Description of Change:
2.0	June 2018	Amendment to pets allowed
2.1	August 2019	Reviewed without amendment
2.3	19/04/2023	Removal of personal security clause and updated information regarding smoke alarms.