

Eviction Appeal Process

This Organisation adheres to the principles of User Rights, and for this reason has established an appeals mechanism for young clients in medium term accommodation. The primary aim of this policy is to attempt to give young people the opportunity to stay at the service until they are prepared for independent living, or less supported living.

1. Eviction Appeal Process for Medium Term Accommodation services

a). The Appeals process

- A young client has the right to formally appeal an eviction notice.
- The grounds for appeal must be new information to prove they did not commit the behaviour that led to the notice, or that they can prove or demonstrate how they will alter or change the behaviour that led to the notice.
- To commence this process, the client must notify the CEO or the CEO's nominated delegate within forty-eight hours of receiving the eviction notice expressing their wish to appeal the decision.
- The appeal will be considered within one week of receiving the request for appeal.

b). The Appeals panel

- The appeal will be considered by:
 - One senior staff member (CEO, General Manager, Operations Manager);
 - One Manager or Coordinator.
- The client may gain support or assistance from an advocate who may be any other staff member in any of the Organisation's projects, or their case worker from the relevant department. The resident may propose any other person to act as an advocate / support person. The support person should not be a staff member of the service.
- The management member and the CEO or the CEO's nominated delegate will have the votes in this matter, taking into consideration all information presented.
- The process allows the client the opportunity to discuss the eviction and why the eviction should not be enforced. The client must provide new information or prove/demonstrate how they will alter or change the behaviour. The client may offer strategies that would need to be implemented to allow their residency to continue.
- The CEO, General Manager or Operations Manager will listen to all the information and consider the effects the behaviour or attitude is having on the other residents, staff and carers, as well as the service in general. The CEO, General Manager or the Operations Manager will make a determination which may include:

- Enforce the eviction notice.
- Waive the eviction for one month to assess the client's progress. The behaviour/attitude would be assessed weekly, and if no changes occur then the eviction would stand. The client will be notified every week during this month about the current position. At all times during this month if the eviction notice is to stand, the client will be entitled to fourteen days notice (unless safety is the issue). There is no second appeal available if the eviction is maintained or re-issued. If during the month the problem is remedied or at least reduced considerably, the eviction may be cancelled.
- Lengthen the amount of notice to assist the client in locating other accommodation options.

2. Eviction Appeal Process for Independent Housing Project

The process for appeal in this program will follow the requirements stipulated in the Residential Tenancy Act.