

# POLICY



**Date adopted:** 30/05/2017  
**File no:** 128734-1  
**Minute number:** 148/2017

**Policy title:** **RENTAL OF RESIDENTIAL PROPERTIES OWNED BY COUNCIL**

**Directorate:** ORGANISATIONAL SERVICES

**Branch:** ADMINISTRATION

**Policy objective:** To provide guidelines for the tenancy and rental of the Council's residential property portfolio to employees of the Council and other tenants.

**Policy scope:**

Preference is given to employees of the Council for the rental of properties owned by the Council.

**Definitions:**

Not applicable.

**Policy statement:**

1. Council acquires properties with residential dwellings which may serve as a caretaker function and are regarded as long-term assets whereas residential dwellings on land acquired for infrastructure purposes are regarded as short-term assets.
2. Council's residential rental properties will be managed in accordance with The Queensland Residential Tenancies Authority General Tenancy Agreement.
3. The Corporate Property Program Leader will liaise with Council's Community Services branch to determine whether any Council dwelling property that may become available is suitable for a community purpose. Suitability of the dwelling for community use will be determined by land use designation, condition, accessibility and future development opportunities by Council.
4. If the dwelling is to be used for community purposes, the Sport, Leisure and Facilities branch will assume asset management responsibility for the dwelling until the termination of the activity.
5. Tenancies associated with properties identified as being tenanted by a casual caretaker engaged in a primary or secondary employment position shall be managed in accordance with this policy.
6. Tenancies associated with properties identified as being tenanted by a caretaker of a community venue and where accommodation is provided as part of the caretaker's employment shall be managed in accordance with this policy.

7. The following procedure is to be undertaken for this policy:(a) **Casual caretaker**

- (i) Subject to section 5 of this policy, the relevant asset custodian branch will prepare the necessary requests for approval of a casual caretaker position, position description, role statement and draft advertisement and submit to the Employee Relations Program Leader, People and Culture branch for review and sign-off. The Corporate Property Program Leader will include the invitation for applications for the casual caretaker position in the same advertisement as that inviting application for the general tenancy of the property.
- (ii) Casual caretakers will participate in a formal performance review process three (3) to four (4) months prior to the annual lease renewals and renewal of the tenancy agreement will be subject to satisfactory performance in the caretaker role.

(b) **General**

- (i) Any dwelling property, excluding a property identified in section 6 of this policy, which becomes vacant and available for rent shall be initially advertised internally to Council staff for a period of fourteen (14) days, with the view to offering permanent Council employees the opportunity to tenant the property at the approved rental.
- (ii) Similarly, any property acquired by the Council and available for rent shall be advertised internally in the same manner as outlined in section 9 of this policy.
- (iii) Should no interest be shown by an employee of the Council within the fourteen (14) day period, the property may then be placed in the hands of a suitable local real estate agent for the purpose of locating a private tenant and letting the property. On-going management of the property and collection of rents will nonetheless remain with the Council.
- (iv) In the case of Council employees, rent payments are to be made by payroll deduction. All Council employees and non-Council employees will be charged a bond equivalent to four (4) weeks rent which will be lodged with the Residential Tenancies Authority.
- (v) If the rent is \$400 per week or more, rent will be required to be paid 4 weeks in advance. All other properties will be required to be paid 2 weeks in advance.
- (vi) In the case of Council employees, the tenancy agreement for the property shall include a suitable clause allowing the Council to terminate the tenancy should the tenant cease to be employed by the Logan City Council and the required notice period shall be given in accordance with the requirements of the *Residential Tenancies and Rooming Accommodation Act 2008*.
- (vii) In all tenancies, the tenancy agreement for the property shall include a suitable clause requiring the tenant to obtain contents insurance for their own insurable chattels and possessions.
- (viii) All tenancy agreements will comply with the statutory provisions of the *Residential Tenancies and Rooming Accommodation Act 2008*.

- (ix) All rents charged for the Council's dwelling properties will be adopted by the Council in the annual budget deliberations each year, and included in the annual Schedule of Commercial and Other Charges. Rents charged for new properties acquired during a financial year will be set by authority under Council's delegation of authority titled "Determination of Commercial and Other Charges". Rents charged for properties that become vacant during a financial year may be reviewed under Council's delegation of authority titled "Determination of Commercial and Other Charges" in order to achieve market relativity. Nil rent is applicable for those dwelling properties tenanted by caretakers of community venues as it is a condition of their employment with Council.
- (x) All adults and unaccompanied minors who will be residing in the Council dwelling must complete an application for tenancy.
- (xi) The Corporate Property Program Leader will exercise discretion in relation to pets.
- (xii) Council's criteria for selecting applicants will be:
  - (a) satisfactory rental history
  - (b) earn three (3) times the weekly rent as a combined income.
- (xiii) Existing tenants are to be given first right of refusal for an additional rental period provided that the tenant has always complied with the terms and conditions of the Residential Tenancy Agreement and the terms of the *Residential Tenancies and Rooming Accommodation Act 2008* and in the case of casual caretakers subject to section 7 of this policy.
- (xiv) When the rent is increased on a tenancy renewal, the bond will also be increased accordingly. A bond equal to four (4) weeks rent will be held with the Residential Tenancies Authority at all times.
- (xv) If the tenant terminates the lease within the lease period, the tenant will be responsible for outstanding rent until a replacement tenant is found unless extenuating circumstances apply. The Corporate Property Program Leader will exercise discretion, taking into account the individual circumstances, in relation to the payment of outstanding rent until a replacement tenant is found.
- (xvi) To terminate a tenancy fourteen (14) days written notice is required with the rental dwelling being advertised immediately.

**Related policies/legislation/other documents:**

DOC ID	DOCUMENT TYPE	DOCUMENT NAME
-	Legislation	<i>Residential Tenancies &amp; Rooming Accommodation Act 2008</i>
<a href="#">8420472</a>	Delegation of Authority	Determination of Commercial and Other Charges
<a href="#">7246052</a>	Form	PROP/2011/54 - Rental Application Form