

Different forms of tenancy for people with disability in Victoria

	Residential Tenancy	Specialist Disability Accommodation (SDA)	Supported Residential Services (SRS)
Legislation	Residential Tenancies Act 1997	Residential Tenancies Act 1997	Supported Residential Services (Private Proprietors) Act 2010
Relationship to services	None	Should be none	Some services included in residential charge
Space occupied	Exclusive possession	A room and shared common areas, may be exclusive possession of whole premises if single occupant.	A room (may be shared) and common areas. Up to 80 residents.
Rent	Market based	Reasonable Rent Contribution	Pension-level facilities charge 85-95% of pension for room, meals and support. Pension-plus facilities set their own fees.
Bond	Yes, cannot exceed one month's rent Condition report required and disputes can be heard by VCAT	No Bond	Security Deposit (cannot be more than 1 month's fees), condition report required and disputes can be heard by VCAT Establishment and reservation fees can also be charged
Rights	<ul style="list-style-type: none"> Request pet Privacy Quiet Enjoyment 	<ul style="list-style-type: none"> Request pet Privacy Quiet Enjoyment 	<ul style="list-style-type: none"> Privacy Fair and equal treatment Independence Dignity and respect Freedom from abuse, neglect, and exploitation Right to choose service provider
Duties – Provider	<ul style="list-style-type: none"> Comply with minimum standards Provide summary of rights and duties Quiet Enjoyment Premises in good repair Locks 	<ul style="list-style-type: none"> Resident treated with dignity, respect and Security Minimise disruptions Renovate in timely manner 	<ul style="list-style-type: none"> Detailed information statement, and a residential <u>and</u> services agreement Have in place support plans and comply with support standards Monitor healthcare and personal support issues Provide adequate and qualified staffing Keep records Safe and comfortable surroundings

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Duties – Renter/ Resident	<ul style="list-style-type: none"> Nuisance or interference / endanger neighbours / illegal use No damage Leave reasonably clean No modifications without consent 	<ul style="list-style-type: none"> No fire, health or safety hazards. Contribute repair costs Pay rent on due date <p>Resident must not:</p> <ul style="list-style-type: none"> Use SDA for illegal purpose Endanger safety of residents or staff Cause serious disruption Install fixtures without consent 	<ul style="list-style-type: none"> Same as 'other members of the community' Agreed in Residential and Services Agreement but not inconsistent with Act
Complaints/ Disputes	<ul style="list-style-type: none"> Residential provider VCAT 	<ul style="list-style-type: none"> Residential provider (including DFFH) VCAT NDIS Q&S Commission 	<ul style="list-style-type: none"> SRS Owner or SRS Complaints Officer Human Services Regulator VCAT
Notice – tenant leaving	<p>Notice of Intention to Vacate - More than 28 days</p> <p>By agreement of parties</p>	<p>Notice of intention to vacate but vacate date can be on the day it is given.</p>	<p>Notice of Intention to Vacate:</p> <ul style="list-style-type: none"> Not less than 2 days Not more than 28 days
Eviction – landlord terminating	<p><u>Notice to Vacate</u></p> <ul style="list-style-type: none"> Damage Danger No payment of rent (3 or 4 rent cycles) Illegal purpose Sub-letting Repairs Demolition Turned into business Selling <p><u>Possession Order - VCAT</u></p> <ul style="list-style-type: none"> Provider must show entitled to issue the NTV for the reason specified Possession date not longer than 30 days after order was made Warrant to be executed by police Reasonable and proportionate test applies 	<p><u>Notice to Vacate:</u></p> <ul style="list-style-type: none"> At least 14 days unpaid rent (and breach notice has been issued) Endangers another resident Causes serious disruption/damage Resident danger to themselves No longer be appropriately supported Illegal purpose. Rental provider intends to renovate, reconstruct or demolish SDA is to be sold <p><u>Notices of temporary relocation</u></p> <p>A notice of temporary relocation can be issued for any of the reasons specified in bold above, in addition to the following reasons:</p>	<p><u>Notice to Vacate</u></p> <ul style="list-style-type: none"> Endangers safety of others Causes serious damage Interrupts enjoyment Illegal Purpose SRS closing Undertake major repairs SRS cannot provide adequate health care or support Fees 14 days overdue <p>-Must specify the “ground” on which the NTV is given and that resident may appeal to VCAT</p> <p>-Where the NTV is given for one the reasons in bold above, must also be given to the Secretary.</p> <p><u>Order to Vacate - VCAT</u></p> <ul style="list-style-type: none"> Provider must show entitled to issue the NTV for the reason specified Order to vacate date not longer than 30 days after order was made Warrant to be executed by police

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		<ul style="list-style-type: none"> The premises are no longer suitable for use as an SDA dwelling For the safety or wellbeing of the resident <p>They are immediate, and can be up to 90 days. The SDA provider must find the resident alternative accommodation for the duration. There are circumstances where they cannot be issued.</p> <p>At the end of the period resident can return unless an NTV has been given.</p> <p><u>Possession Order - VCAT</u></p> <ul style="list-style-type: none"> Provider must show entitled to issue the NTV for the reason specified Possession date not longer than 30 days after order was made Warrant to be executed by police Reasonable and proportionate test applies 	<ul style="list-style-type: none"> No reasonable and proportionate test
Standards	Minimum Rental Standards	SDA Design Standards	Accommodation and personal support standards
Community visitors	Not permitted (unless its residential rental agreement in an SDA dwelling)	Yes, at any time. Residential tenancy agreement can disallow.	Yes, at any time
Registration	None	Must be NDIS registered SDA. You can see vacancies only on SDA finder NDIS	Must be registered to operate – you can see registered operators at DFFH register online