



Fact Sheet 3: Repairs Debts for Damage Caused by Domestic Violence

1. Overview

In general, as a tenant you are responsible for damage that you or someone in your household causes to your property and you will have to pay for the repairs. When this debt is added to your account, it is called “tenant responsible maintenance” (“TRM”).

Domestic violence can involve physical and non-physical abuse. Some acts of violence can result in damage to your Housing ACT property. If the damage was caused by domestic violence, Housing ACT can remove the TRM from your account. This factsheet explains the rules about TRM when it is caused by domestic violence.

2. What to do if you have a debt with Housing ACT

If Housing ACT tell you that you have a debt, a good first step is to find out what the debt is for. Debts with Housing ACT are usually either for unpaid rent, or for TRM.

Generally, if you failed to pay rent in a previous tenancy, the debt is owed and there may be little point in contesting it. If you are in any doubt about this, you should seek legal advice.

If your debt is from TRM, you should get an itemised account of the charges, so you can see exactly what you have been charged and why. If you believe any or all the charges were caused by domestic violence, you can seek review of the charges.

3. How do I prove that the damage was caused by domestic violence?

Once you have a list of all of the charges from Housing ACT, you will need to get evidence that the damage was caused by domestic violence.

To prove that you have experienced domestic violence, you need to provide:

ONE of the following documents:

- A current DVO from any Australian State or Territory
- A letter from
 - The police
 - Office for Children, Youth and Family Support
 - DVCS
 - Canberra Rape Crisis Centre

— YWCA

— A recognised domestic violence/homelessness shelter

OR

TWO letters from a:

- Solicitor
- Community or government support worker
- Social worker
- Doctor
- Psychologist
- GP
- Drug and alcohol service

However, **to prove that the specific damage was caused by domestic violence**, you will generally need evidence of reports you made at the time, or a statutory declaration about the events at the time. Some types of evidence that are useful for proving that TRM was caused by domestic violence are:

- Police reports or evidence of contacting the police at the time
- Evidence of reports to DVCS, Canberra Rape Crisis Centre, or a domestic violence crisis service
- Evidence of reports to a support worker, social worker, doctor, counsellor or psychologist
- A statutory declaration made by you and/or someone who was aware of what happened

Once you have collected your evidence, you can ask Housing ACT to review the TRM and remove it under their Domestic and Family Violence Policy.

4. Where to get help with the process

If you would like advice or assistance with reviewing a TRM debt caused by domestic violence, contact Canberra Community Law on 6218 7900.

Disclaimer

This factsheet contains general information available at the time of publication. It does not constitute legal advice. If you have a specific legal problem please contact Canberra Community Law’s advice line on 02 6218 7900.

Canberra Community Law is entirely independent of Housing ACT. All assistance is free.