

BONDS: not the landlord's money

Tenants often feel at a loss when their landlord or real estate agent either refuses to or stalls signing off on the *Claim for Refund of Bond Money Form*. Tenants have the right to start the bond claim process without the agreement of their landlord or agent.

Tenants can readily access a copy of the *Claim for Refund of Bond Money Form* themselves off the NSW Fair Trading website and can claim their bond independently of the landlord or agent. It is a very simple process which can avoid what can otherwise be a drawn out and expensive process.

The tenant simply fills in the form, nominating the amount, if any, they believe that the landlord is entitled to claim. The tenant does not need to obtain the landlord or agent's signature. After the tenant lodges the form, (by post, in person or by fax) the landlord will receive notice that a claim against the bond has been made.

If the landlord wants to dispute the claim they then have to apply to the Consumer, Trader and Tenancy Tribunal (the CTTT) within 14 days of receiving the notice or the money will be paid out to the tenant.

If money is paid out to the tenant this does not prevent the landlord making a claim against the bond at the CTTT for up to 6 months after the tenant has vacated, but the advantage of a tenant applying for the bond is that it could force the landlord to move more quickly.

It is particularly effective when a landlord makes petty or outrageous claims against the bond, as these will have to be justified with evidence at the CTTT.

Landlords and agents would have tenants believe that bond money is the property of the landlord, but the law sees it differently. Bond money is the tenants' money and in any claim against the bond, the responsibility falls on the landlord to show why they are entitled to it.

Of course, most tenants take good care of their homes, and the quickest way to get your bond back is by reaching agreement with the landlord or agent, and both parties signing the refund form.

Landlords and agents have an obligation to try to do a final inspection with the tenant, and have to provide a tenant with documentary evidence setting out any claims they may make.

Ideally a tenant should know exactly where they stand regarding any possible claims against the bond by the landlord at the final inspection. This allows the tenant an opportunity to rectify minor issues themselves and reach agreement with the landlord.

You can access a "Claim for Refund of Bond Money" form at:
<http://www.tenantsrights.org.au/EatsBonds.html>