



Eastern Area Tenants Service

local tenancy information resource

number 4A

◆
Try to get all the important details of your housing agreement in writing. This could be vital if things go wrong in future.

◆
Find out proper contact details for the person you are renting your room from – their postal address, phone number, and whether they own or are renting the property you are living in.



Dealing with problems if you rent a room

Do you live in some kind of share housing, either with the person you pay rent to or not, or in a boarding house?

If so, it is useful to know your legal rights.

Nobody likes getting ripped off. This factsheet aims to give some general advice about how you can minimise the chances of getting ripped off if your housing arrangements change. It points you to your legal options if things go wrong.

Before you move in:

- Make sure that you get receipts for any money you pay stating the amount paid, the reason why and who received the money, even if this is just on a piece of paper. Try to get receipts if you can;
- Try to get the legal name, address (home and work) and phone number of the person you are renting from;
- Find out whether the person that you rent from owns the property, if they rent it themselves, or if they act for somebody else (like a caretaker or an agent). It makes a difference to what rights and protections you might have;
- Get an agreement in writing. If you can't, make sure that at least the basic details are written down and agreed, such as the length of the lease, the rent to be paid and the bond;

When you are renting:

- Take photographs of your goods, in particular any items

of value before you move in, write an itemised list of your possessions and keep this safe;

- Photograph the room you are renting before you move your goods in. Make sure you photograph any existing damage, e.g. cigarette burns on the carpet;
- Write what the condition of the room is, e.g. carpet has three cigarette burns, flyscreen in window torn and if you feel you can, get the person you are renting from to sign it. You could download a 'condition report' from http://www.fairtrading.nsw.gov.au/ftw/Tenants_and_home_owners/Being_a_landlord/Starting_a_tenancy/Filling_out_a_condition_report_page to give you an idea of the level of detail that can be expected.

When you are leaving:

- Make sure you leave the room clean. Take photographs of the state of the room when you move out;
- Keep receipts for any cleaners you have hired or products you purchased to clean the room;
- If you had someone help you clean, make sure you keep their details in case you need to prove that you did the cleaning;
- Ask for your bond back in writing, email is okay, texting could be a problem;
- Only pay up to the day you leave, unless agreed otherwise

◆
It is a very good idea to get informed advice about your legal rights from a service like EATS (see number below). It is important that you find out your legal position BEFORE you start on a course of action.



If things go wrong

If things go wrong and the person you are renting will not repay your bond, has your goods or will not give you back overpaid rent there are places you could go to try to get these issues resolved. Where you go would depend on your status.

If you are a tenant or a sub-tenant with a written residential tenancy agreement	NSW Civil and Administrative Tribunal
If you live in a Registerable Boarding House as defined in the Boarding Houses Act 2012	NSW Civil and Administrative Tribunal
If the person you are renting from runs an accommodation business or they are the agent for someone who runs an accommodation business	NSW Civil and Administrative Tribunal
If the person that you rent from is a head tenant and you don't have a written agreement, or your landlord lives with you and they are not running an accommodation business, or any other renting situation not described above	Local Court – Small Claims Division
If the person you rent from is denying you access to your goods in the premises	Community Justice Centre Police Tenant Advice and Advocacy Service, (Tenants Advice and Advocacy Service will refer you to appropriate venue to have matter heard if necessary)

It can be hard to know whether you are a tenant. For more information on how to find this out go to: <http://www.tenantsrights.org.au/EatsBlodgerQuiz.html>

Check out the Tenants' Union NSW factsheet on boarders and lodgers: <http://www.tenants.org.au/tenants-rights-factsheets>

Tenant Advice and Advocacy Services (TAAS) can provide advice, information and referrals. You can find the details of your local TAAS service at: <http://www.tenants.org.au/need-advice>

Other Important Numbers

Local Court – Small Claims Division

http://www.localcourt.lawlink.nsw.gov.au/localcourts/legal_problem/money_fines/someone_owes_money.html

NSW Civil and Administrative Tribunal

T: 1300 006 228

<http://www.ncat.nsw.gov.au/>

LawAccess (free over the phone legal advice line)

T: 1300 888 529

<http://www.lawaccess.nsw.gov.au>

Community Justice Centre

T: 1800 990 777

http://www.cjc.nsw.gov.au/cjc/com_justice_index.html