

Looking for a new place?



# BEGINNING A TENANCY

## Information for Tenants

Most residential tenancies in Tasmania are covered by the Residential Tenancy Act 1997 (the Act). The Act sets out the rights and responsibilities for landlords and tenants, and applies to both public and private tenancies.

### Application Fees

It is **illegal** for a landlord / agent to charge you a **fee** to submit an **application** to rent a residential property. If you have recently paid, or have been asked to pay an application fee you should report it to Consumer Affairs, as a landlord / agent can be fined up to \$6000 for charging an application fee.

In addition to application fees being illegal, the Act also prohibits a landlord / agent charging for providing keys to inspect a residential property, giving permission to inspect a rental property, supplying details of residential properties available for rent or placing a persons name on a waiting list.

### Applying for a Rental Property

A number of real estate agents require prospective tenants to complete a detailed application form before they will be considered for a tenancy. Often these forms require a lot of personal information including current and previous addresses, your occupation and employer's details, bank details, drivers license number and car registration, passport number, referees and credit history.

The Act does not prevent a landlord or agent asking this information. You could certainly choose not to disclose requested information that you believe is not relevant to tenancy, for example your student number. However, if you do not provide the information that is requested there is potential that your application will be at a disadvantage.

If an agent or landlord accepts your application they will offer you the premises. If you decide that you do not want to go ahead with the tenancy you should let the owner know immediately and not agree to, or sign a lease. If you decide that you are no longer interested in the property before the owner offers you the place, you should advise them that you wish to withdraw your application.

If a landlord or agent does not accept your application they are not obliged to tell you why. However, it may be worthwhile to ask them if they can suggest anything that may make your application more successful in the future.

If you think that you have been unfairly refused a tenancy, for example, on the basis of age, race, religion, parental status, sexual orientation, irrelevant criminal record, disability or gender of any of the applicants you should contact the Anti-Discrimination Commission (☎1300 305 062).

### Holding Fees

A landlord or agent can charge you a holding fee if you are offered a property but **cannot move in for more than a week** (7 days). You can only be charged a holding fee if the premises are unoccupied. The Act does not state how much an owner of agent may request as a holding fee.

**Tenants'  
Union of  
Tasmania**

The information in this fact sheet is not legal advice. It is intended as a guide only. It applies only to legislation current in the state of Tasmania, Australia as at 01 January 2009. For information regarding a specific tenancy problem, please phone the Tenants' Union on (03) 6223 2641 or 1300 652 641. The Tenants' Union of Tasmania Inc accepts no responsibility for actions based on this information, nor for actions based on electronic translations of this.

## If you are Under 18

Persons under the age of 18 may enter into a tenancy agreement. The agreement will be binding on both the tenant and the landlord.

## Types of Tenancies

There are two types of tenancies. Fixed term agreements are for a set period of time, usually 6 or 12 months. You should not sign a fixed term lease if you do not intend on staying for the full term, as breaking a lease can be expensive. Non-fixed term agreements have no end date.

A tenancy agreement may be verbal, in writing or a combination of both. If an agreement is in writing it must be legible, clearly expressed and if printed, font size 10 or more. The landlord/agent must provide you with a copy of the written agreement within 14 days of the agreement commencing.

## Security Deposits and Condition Reports

If you are required to pay a security deposit (which cannot exceed 4 weeks rent) the landlord/agent must provide you with 2 copies of a report stating the condition of the property at the beginning of your tenancy. You should inspect the property thoroughly and note on the report anything that you find. It is also a very good idea to take extensive dated photos of the property at the beginning of your tenancy. Once you have completed the condition report you must sign and return a copy to the landlord / agent (within 2 days of your tenancy beginning).

## Pre Tenancy Checklist

Below are some useful things to look for and ask about when you are looking at a property that is for rent. Remember, you should not sign a lease unless you are sure that you will stay for the duration of the lease. So it is best that you find a property that is suitable for you.

- Can the property have the phone connected?
- Are there sufficient power points?
- Is the property big enough?
- Is there adequate car parking available?
  
- Is there heating, if so what type and does it work?
- Does the property run off tank water or is there a water meter?
- Is the water pressure adequate?
- Is the property clean?
- Are there many insects around?
  
- Do all doors lock properly?
- Have all previous tenants returned their keys?
- Do all windows open and lock?
- Are all fences secure?
- Do all gates close securely?
  
- Is there a clothes line?
- Is the yard a suitable size?
- Will you be able to look after the garden?
- Are any pets allowed?

## USEFUL CONTACTS

Tenants' Union of Tasmania Inc  
166 Macquarie Street Hobart  
☎6223 2641 or 1300 652 641  
[www.tutas.org.au](http://www.tutas.org.au)

Residential Tenancy Commissioner  
(Consumer Affairs and Fair Trading)  
☎1300 654 499

Private Rental Tenancy Support Service  
(PRTSS)  
☎1300 729 400

## BOND ASSISTANCE

The following organisations offer bond and rent assistance for tenants on low incomes.

Colony 47 CA\$H  
466 Elizabeth St Hobart  
☎6231 2182

Anglicare  
122 Elizabeth St  
Launceston  
☎6334 6060

Anglicare  
2<sup>nd</sup> Floor Days Building Best St  
Devonport  
☎6424 8581