

Looking for a new place?



# BEGINNING A TENANCY

## Information for Tenants

### Before You Move In

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 public, private and community tenancies.

### Application Fees

A prospective landlord/agent is **not permitted** to charge application fees, waiting list fees, inspection fees, key deposit or any other fees associated with applications. They may only receive three types of payment prior to entering into a lease agreement:

1. Rent in Advance
2. Bond
3. A holding fee

### Applying for a Rental Property

Many landlords and agents require a great deal of personal information. You can choose not to disclose requested information but you may be put at a disadvantage. Discrimination based on age, race, religion, parental status, sexual orientation, gender, disability or irrelevant criminal record is against the law. A landlord/agent does not have to give a reason for rejection of an application so it may be difficult to ascertain if discrimination has occurred but if you think you have been discriminated against contact the Anti-Discrimination Commissioner (☎ 1300 305 062).

If your application is successful then you have the choice of whether to accept or decline the property.

Note that people under the age of 18 may enter into lease agreements.

### Debt Collection Agencies

Landlords/Agents are barred from accessing credit files from credit reporting agencies such as Tasmanian Collection Services under the Privacy Act. However, they can ask you to provide them with your credit file.

### Holding Fees

A **holding fee** may be paid by a prospective tenant to hold the premises for more than 7 days. Sometimes a holding fee can be confused with a bond (security deposit) or rent in advance so ensure it is clear what it is you are paying for.

### Types of Tenancies

#### Written and Verbal

A lease agreement can be written, spoken or a combination of both. If written, it must be printed in 10 point font or larger and you must be given a copy within 14 days of the start of the agreement. It is harder to prove verbal conditions of a lease, so try to get everything in writing. Costs incurred in the preparation of a lease agreement are to be paid by the landlord/agent.

#### Fixed and Non-Fixed Term

Lease agreements can be fixed term or non-fixed term, and the difference changes the rules for ending a lease. If your lease agreement has an end date it is a fixed term lease. If there is no end date you are under a non-fixed term lease. Many verbal lease agreements have no end date but this does not mean the landlord can evict you at any time – they must have valid reasons (see the **Notice to Vacate** factsheet). At the end of a fixed term lease you do not need to vacate the premises unless you have been given a valid Notice to Vacate or you wish to leave. If the landlord/agent does not give a valid Notice to Vacate within 28 days of the end date, you move on to a non-fixed term lease with all conditions of the original lease remaining.

# 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 as at 1st January 2012. 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.

## Bonds

In most circumstances, bonds are held with the Rental Deposit Authority (RDA) **not** the landlord. The maximum bond allowable is 4 times the weekly rent. Bond is to not be charged for boarding premises. For tenants finding it difficult to raise the bond, assistance is available (see Contacts).

If you are renting from an agent, you can pay the bond directly to them and they will lodge it with the RDA. Otherwise tenants need to get a Bond Lodgement form signed by the landlord and take it with the bond amount to a Service Tasmania branch or post it to:

Rental Deposit Authority  
GPO Box 1244  
Hobart TAS 7001

You will receive a receipt that is often required to be shown to the landlord in order to get access to your property.

## Condition of the Property

The landlord/agent must maintain the premises in the same condition as at the start of the lease agreement apart from reasonable wear and tear. You should presume that everything functions as intended unless you are told otherwise or it is reasonable to assume that it didn't function as intended. Note that there are no minimum housing standards under the Act (except that the dwelling must have security devices necessary to keep the premises secure).

## Condition Reports

A **condition report** is evidence describing the condition of the property at the beginning of occupancy that can be relied upon to decide damage and bond disputes. If a landlord/agent requires a bond, they must provide two copies of a condition report stating the condition on or the day before the tenant occupies the premises. You must return one signed copy to the landlord/agent within 2 days with any disagreements clearly noted. You should also take date-marked photos prior to moving in.

## Pre Tenancy Checklist

- Can the phone or internet be 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 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?

## 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  
Rental Deposit Authority (RDA)  
☎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  
☎6214 1492

Anglicare PRSS  
2<sup>nd</sup> Floor Days Building Best St  
Devonport  
☎6421 3100

Anglicare PRSS  
122 Elizabeth St  
Launceston  
☎6333 3000

Anglicare PRSS  
6 Strahan St  
Burnie  
☎6430 3333