



# RENT ARREARS

## Information for Tenants

The Residential Tenancy Act 1997 is very specific as to the rights and responsibilities of landlords/agents and tenants when it comes to the payment of rent for a tenancy.

### Rent in Advance

Rent is required to be paid in advance during the term of the lease whether it be for a fixed term lease or a non-fixed term lease.

**For example:** You move in on July 1st and you pay rent every fortnight. You will pay rent on July 1st and that will cover you for the fortnight from July 1st to July 14th.

In other words, you pay for time that you will be in the property, not the time you have already been in the property.

### Payment Period

A payment period is how often you have to pay rent according to the lease.

A payment period cannot exceed **four** weeks (or two weeks for boarding premises).

Generally a payment period for rent is either one or two weeks. Whatever payment period you have accepted as a term of your lease you must remain in advance for this period. A payment period cannot be changed unless all parties to the agreement accept any change.

Note that in Tasmania, it is illegal for a landlord to charge rent per calendar month.

### Rent Arrears

Rent Arrears occur when you are in the property but you have not paid rent for the period you are in the property. However, it is not the same as the rent in advance period.

**For example:** You pay rent fortnightly and the next payment period is for April 1st to April 14th. If you do not pay the rent until April 5th, you would have been **in arrears** from April 1st until April 4th. Once paid you would no longer be in arrears until April 14.

If you regularly paid the rent five days late, you would be breaching the **rent in advance** clause in your lease.

You must always pay rent when it falls due. This is a condition of all lease agreements. Should you get behind in your rental payments the landlord/agent may issue you with an Notice to Vacate (eviction notice) for rent arrears. This notice must specify the amount of arrears owing at the time the notice is provided.

A Notice to Vacate for rent arrears must give you at least **fourteen** days notice to solve the problem. This allows you:

- 1) to pay the arrears owing, thus remedying the problem (and therefore no further action can be taken) or
- 2) you can vacate the property (note that any rent arrears may be taken from your bond).

**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.

It is important to note that during a twelve month period, if you get **three** Notices to Vacate specifically for rent arrears, the landlord/agent is entitled to rely on the third notice to have you vacate the property even if you are able to pay the arrears owing.

If an landlord/agent issues the third and final Notice to Vacate and you do not vacate the property they may apply to the Magistrates Court for an Order for Vacant Possession. This may also occur on any other Notice to Vacate for arrears if the arrears are not paid.

If you do get behind in the rent we recommend the following:

- Be active in finding a solution and DO NOT ignore the problem.
- Contact the landlord/agent to discuss the issue as soon as possible.
- If possible pay the arrears or enter into a payment plan to repay the arrears.
- Contact the Tenants' Union if you have any queries about the legality of the action taken against you.
- The following organisations may provide assistance in paying rent arrears and bonds (conditions apply):

#### **North**

Private Rental Support Service (PRSS)  
Anglicare  
122 Elizabeth St, Launceston  
☎6334 6060

#### **North West (Burnie)**

Private Rental Support Service (PRSS)  
Anglicare  
8 Strahan St, South Burnie  
☎64318804

#### **North West (Devonport)**

Private Rental Support Service (PRSS)  
Anglicare  
Cnr. Steele and Rooke Sts, Devonport  
☎6424 8581

#### **South**

CA\$H (Colony 47)  
446 Elizabeth Street, North Hobart  
☎6214 1492

### **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 & Fair Trading)  
☎1300 654 499

Legal Aid Commission of Tasmania  
☎1300 366 611

Private Rental Tenancy Support Service  
☎1300 729 400

Anti Discrimination Commission  
☎6224 4905 or 1300 305 062

Women's Legal Service  
☎1800 682 468

Hobart Community Legal Service  
☎6223 2500

Launceston Community Legal Service  
☎1800 066 019

North West Community Legal Service  
☎6424 8720