

aka Security Deposits



# BONDS

Information for Tenants  
With Bonds NOT Held  
With MyBond

Most residential tenancies in Tasmania are covered by the Residential Tenancy Act 1997. The Act sets out the regulations around the payment and return of bonds.

## What is a Bond?

A bond is the money that you pay to a landlord or agent at the beginning of the tenancy. This is financial security for the landlord in the event that you fail to meet your obligations under the tenancy agreement, such as fail to pay rent or cause damage to the property. It is not compulsory for a landlord / agent to charge a bond.

## How Much Bond Can I be Charged?

The **maximum** amount of bond that you can be charged is the **equivalent of 4 weeks** rent. It is an offence for a landlord or agent to charge more than this amount, and they could be charged up to \$6000 for doing so. If you have paid more than four weeks rent as bond contact the Tenants' Union or Consumer Affairs and Fair Trading.

## Should I get a Receipt for the Bond I Pay?

When you pay a bond, the landlord or agent is required to give you a receipt. The receipt must record:

- a) The name of the tenant, and
- b) The amount of the security deposit, and
- c) The address of the property, and
- d) The date the receipt is given, and
- e) The name and address of the landlord/agent.

A landlord / agent can be fined for failing to issue a receipt when they charge a bond.

## What is a Condition Report?

If a landlord / agent require you to pay a bond, they must provide you with two copies of a condition report. The condition report records the condition of the premises on or before the day you move in. Once you receive the condition reports, you may inspect the property and make any amendments or additions to the condition reports and sign and return one of them to the landlord / agent within 2 days.

## When Must My Bond be Returned?

When a tenancy comes to an end the security deposit should be returned within **3 working days**, less any amount due to the landlord. If the landlord / agent does retain any or all of the bond they must issue the tenant with a notice stating why the bond has been retained and the amount of loss suffered by the landlord or the date on which the loss is expected to be determined.

**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 2010. 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.

## Can I dispute the Amount of Bond Returned?

If you disagree with the amount of bond returned to you, you should try and resolve the matter with the landlord / agent. If this fails you may apply to the Residential Tenancy Commissioner (the Commissioner) to determine the dispute.

To make an application to the Commissioner, you must fill in the Bond Dispute Form, which you can get by calling the Tenants' Union or via the MyBond website. There is no longer an application fee.

Once the Commissioner receives your application, s/he will require the other party (landlord or agent) to lodge with him/her the balance of the bond not paid to you. The landlord / agent may also provide the Commissioner with evidence to support their decision not to return the bond.

The Commissioner cannot make a determination until at least 7 days have elapsed since contacting the landlord / agent. If you are not happy with the determination made by the Commissioner you can appeal to the Magistrates Court within 7 days of the Commissioner's determination.

## What Can I do to Avoid a Bond Dispute?

Ideally you should take dated photos of the property at the beginning and end of your tenancy, as evidence of the state of the property. Also, keep all receipts associated with cleaning the property when you vacate it, such as carpet cleaning receipts.

## 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  
☎1300 654 499  
[www.mybond.tas.gov.au](http://www.mybond.tas.gov.au)

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

## Information for Tenants With Bonds NOT Held With MyBond

## Paying Bond in a Shared Tenancy

Where more than one tenant has their name on the lease agreement, this is known as a joint tenancy. We recommend that the amount of money contributed towards the bond by each tenant is noted in the bond receipt, and that copies of the receipt be given to all tenants.

If you are sub-leasing from a tenant (the head tenant), the head tenant may charge you a bond.

## BOND ASSISTANCE

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

Colony 47 CASH  
466 Elizabeth St Hobart  
☎6231 2182

Anglicare  
122 Elizabeth St  
Launceston  
☎6334 6060

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