



Older people and renting

This fact sheet provides information about some renting issues that may be relevant for older people. You can also get information about other legal issues from the Seniors Rights Service at www.seniorsrights.org.au

Long term tenancies

If you have been a tenant in the same property for 20 years or more you may be a long-term tenant under the Residential Tenancies Act 2010.

If you are a long-term tenant, you have all the same rights and obligations as other tenants. However, you have more rights if the landlord wants to terminate your tenancy without a reason.

If your landlord wants you to leave without a reason (called a "no-grounds" termination) they must make an application to the NSW Civil & Administrative Tribunal and ask the Tribunal to terminate your tenancy. Only the Tribunal can decide if your tenancy should be terminated and they have a choice about whether to do that. In making that decision, the Tribunal must consider your circumstances and the circumstances of the landlord. If the Tribunal decides to terminate your tenancy, they must give you a minimum of 90 days to move out after the day of their decision.

If you have been in your property for over 20 years and you receive a notice of termination from your landlord, you do not need to leave the property. You should contact your local tenants' advice and advocacy service for advice.

Alterations and modifications

If you are a private tenant you need the landlord's permission to make alterations or modifications to the property. However, the landlord cannot unreasonably refuse to give permission if the proposed changes are minor and do not result in structural changes. If you believe that the landlord's refusal is unreasonable, you can make an application to the Tribunal within 28 days of that refusal requesting an order permitting the minor change.

If you are a tenant in public or community housing, you can ask your housing provider to carry out modifications and alterations for general health or disability needs. You may need to provide medical evidence about the required modification such as a letter from a doctor or a report from an occupational therapist.

If the housing provider refuses to make the changes, you may be able to appeal that decision and you should contact your local tenants' advice and advocacy service for advice. You have three months for the date of the decision to lodge your appeal.

Moving into aged care or social housing

If your circumstances change and you need to move out of your private rental property during the fixed term of your tenancy agreement, you may have to pay your

landlord compensation for leaving early. However, if you are moving into a social housing property or into an aged care facility, you can give the landlord a 14 day notice of termination and move out without having to pay to any compensation.

If you need to leave and your fixed term has ended, you can give a 21 day notice of termination without giving a reason.

If you need to leave during the fixed term for another reason, call your local tenants' advice and advocacy service for advice about how to end your tenancy.

Protected tenancies

Protected tenancies are a special type of tenancy that may apply to a tenant or occupant who has lived in the same property since before 1 January 1986.

Protected tenancies are not very common and there are other criteria that have to be satisfied for you to be a protected tenant, so it's important to get advice from your local tenancy service. Protected tenants' rights differ from the rights of tenants generally. Most importantly, protected tenants have stronger protection from evictions and rent increases.

If you think that you or a family member may be a protected tenant, you should contact your local tenants' advice and advocacy service for advice.

Things to remember



If your landlord wants you to leave for no reason, and you have been in the property for more than 20 years, you may have more protection from eviction.



If you have lived in your property since before 1 January 1986, you might be a protected tenant with special rights.



If you have a fixed term tenancy agreement and need to move into social housing or aged care, you can terminate your tenancy without having to compensate the landlord.

Need more information or advice?

If you live in Sydney's Eastern Suburbs you can contact EATS on 9386 9147 or at www.eats.org.au/contact-us

Otherwise, you can find the contact details of your local TAAS at www.tenants.org.au

You can find your local community legal centre at <https://www.clcnsw.org.au/>