



# Migrants' Guide to Renting in Sydney



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## **TENANCY IN NEW SOUTH WALES**

In NSW there are laws about being a tenant or a landlord. These laws are in the ***Residential Tenancies Act 2010***.

The ***Residential Tenancies Act*** tells people what they need to do to be good tenants or good landlords. It tells people what they can expect when they rent a home in NSW. It is important to know what to expect when you rent a home because sometimes landlords do not follow the law and this can be bad for you.

The **Eastern Area Tenants Service (EATS)** can help tenants to understand what they need to do and what their landlord needs to do.

If your landlord does not do what they are supposed to do you can apply to the **NSW Civil and Administrative Tribunal (NCAT)**. The NCAT can order the landlord to do what they are supposed to do in the ***Residential Tenancies Act***.

## **STARTING A TENANCY**

It can be very hard to rent a home in Sydney. Sydney is a very expensive place to live.

There are different types of renting in Sydney. Some types of renting are:

- Private renting
- Social Housing
- Renting in a share house
- Boarding/lodging
- Emergency accommodation

### **Private renting**

Is when you rent your home from someone else and they are not a social housing provider.

### **Social housing**

Is where you rent your home from a social housing provider, for example, Housing NSW or Bridge Housing.

There is a waiting list to get into social housing. The rent that you pay in social housing is generally less than private renting.

You must have Australian citizenship or permanent residency status to get a home. You must have a low income.

You can apply for social housing before you have your permanent residency or Australian citizenship.

## **Share housing**

Normally happens in private renting.

This is where you rent a house with other people. Sometimes you may not know the other people you rent with before you move in.

You have use of your room and the common areas like the bathroom, lounge room and kitchen. Sometimes the landlord also lives there or a head tenant.

## **Boarding/Lodging**

Is when you live somewhere and pay money for your room but also get things like meals, cleaning or laundry services from the landlord or their caretaker.

Your landlord or a caretaker might live at the house with you.

## **Emergency Accommodation**

Is accommodation that is organised through Housing NSW.

It is different to social housing. Emergency accommodation is usually for a short time (up to 28 days a year).

You can ask Housing NSW for emergency accommodation if you have nowhere to live.

There are also places where people who are homeless can stay if they cannot get emergency accommodation. The phone numbers for these places are at the back of this handout.



**Boarders/lodgers and people who rent from a head tenant without a written agreement are NOT PROTECTED by tenancy law! They may have some legal rights under the Boarding Houses Act or in other legal jurisdictions. Check with your local Tenants Advice Service.**

## **FINDING A PLACE TO LIVE**

To find a place to live you can go to:

- A real estate agency (this is a business that rents and sells homes)
- The Internet
- Newspapers (look in the 'classifieds' section)
- Noticeboards
- Talking to people
- Social housing providers, like Housing NSW or Bridge Housing

## **IMPORTANT THINGS ABOUT APPLYING**

- You may need to fill out an application form;
- You may need to pay a holding fee of no more than 1 weeks rent and this will become part of your rent if you are accepted and will be given back to you if the landlord or agent does not rent the place to you;
- You will have to pay a bond of no more than 4 weeks rent;
- You need to fill out a form called a '**Bond Lodgement Form**'
- Your landlord needs to give your bond money to NSW Fair Trading. They are not allowed to keep the bond money themselves;
- You will know if the landlord has given the money to NSW Fair Trading because you will get a letter from NSW Fair Trading to tell you this;
- You will usually need to sign a '**Residential Tenancy Agreement**' or a
- '**Lodgers' Agreement**'. This is your agreement in writing
- You will usually have to pay the first two weeks rent before you move in. This is called **rent in advance**.
- You may be asked to show a copy of your passport. The landlord or agent cannot keep your passport.
- You will need to fill out a **condition report** and return this to your landlord or real estate agent no more than seven (7) days after you move in. The condition report is a record of everything in the place you are renting and whether these things are clean and unbroken.
- There are different types of renting. **Fixed term renting** is where you agree with the landlord or agent to live at your home for a set period of time, for example,

12months. A **periodic agreement** is where there is no set period. You just pay your rent each week.

## **GETTING YOUR HOME**

It is very important that you:

- Get receipts for any money that you pay and keep the receipts
- Sign a lease and get the landlord or agent to give you a copy and keep it safe
- Fill out the condition report properly. If you do not, then the landlord could blame you for things in your home being broken that you did not break and might ask you to pay money to get these things repaired
- You should take photos of any damage you can see at the place when you move in and keep these photos



**If you do not have a Residential Tenancy Agreement you may not be able to go to the NCAT if things go wrong!**

## **WHEN YOU ARE RENTING**

You need to know that:

- Your place should be clean when you move in
- If things are broken in your home and you did not break them you can ask the landlord or agent to fix them, for example, a broken stove
- If something breaks or there is something wrong with your home, you need to tell your landlord or agent as soon as possible
- You need to pay your rent on time or your landlord can ask you to leave
- You need to pay for any damage that is caused to your home by you or your guests
- You need to take care of the home and the garden
- Your landlord cannot ask you to give them more bond money
- You cannot change your home, for example, put up a fence, without your landlord or agent's permission. They may ask you to remove anything you build or change at the end of your tenancy

- You cannot use your home to do things that are illegal
- Your landlord or agent must tell you in writing if they want to visit you, if they want to increase your rent or if they want you to leave
- You must not leave before your agreement ends or you may have to pay your landlord a lot of money
- You cannot add a lock to the door or bars on the windows without your landlord or agent's permission in writing
- You must give the landlord notice in writing when you want to leave
- You must let the landlord know that you are leaving before you leave. There are laws about how soon before you leave that you have to tell your landlord. Call EATS to find out more about this
- When you leave, you need to leave your home looking the same as it did when you moved in
- Your landlord needs to make sure that your home is reasonably secure
- If you are renting privately the landlord can ask you to pay for the water that you use but only you are separately metered and the landlord has put in water saving devices. They must show you a copy of the invoice for the water usage.
- If you have an agreement for a set time, for example, 12 months, the landlord cannot make you pay a higher rent during that time
- If you are not in an agreement for a set time your landlord your landlord can make you pay a higher rent but they need to tell you in writing 60 days before they make you pay more rent. You can tell them that you are not happy to pay a higher rent and try negotiate a smaller increase
- If you are not sharing your home with other people you will have to set up an electricity account to get electricity
- If you are living with other people you might be asked to pay part of the costs for electricity, gas and Internet connection. You should always ask to see the invoices because sometimes tenants are asked to pay more money than they should

## **IMPORTANT INFORMATION ABOUT MOVING OUT**

- You need to write to the landlord and tell them that you are leaving before you leave;
- The Law tells you how much time you need to give the landlord to let them know that you are leaving;
- If you do not give the right number of days notice you may have to pay the landlord a lot of money;
- It can be very expensive to move from your home if you are in a fixed term lease. Call EATS for more information about this;
- You need to clean your home before you move out;
- You need to fill out the outgoing section of the **Condition Report** with the landlord or real estate agent when you leave;
- You need to fill out a **Claim for Refund of Bond form** to get your bond money back;
- You do not have to use the **Claim for Refund of Bond form** that the real estate agent gives you to get your bond money back. You can get a copy from NSW Fair Trading offices or online at [http://www.fairtrading.nsw.gov.au/About\\_us/Our\\_services/Forms.html](http://www.fairtrading.nsw.gov.au/About_us/Our_services/Forms.html)
- You do not need the landlord or agent's signature before you send in the form to
- NSW Fair Trading
- You should take photographs of your home when all your things have been moved out to show that you left it clean



**You need to tell the landlord if you want to leave. You need to give the correct notice period. If you do not do this, your landlord can make you pay alot of money!**

## **IF THE LANDLORD WANTS YOU TO LEAVE**

- If the landlord wants you to leave they must write to you telling you why they want you to leave and when they want you to leave. This is called a **termination notice**
- If you are in a fixed term lease and the landlord thinks that you have done the wrong thing (breached the agreement) they must give you 14 days to leave;
- The landlord cannot ask you to leave if you are in a fixed term agreement if you have not breached the agreement
- If the landlord does not want you to stay after your fixed term agreement finishes they must tell you this in writing and give you 30 days notice;
- If you are in a periodic agreement and the landlord wants you to leave for no reason, they must tell you this in writing 90 days before they want you to leave;
- If you are in a periodic agreement and the landlord is selling the property without tenants, they must tell you 30 days before they want you to leave
- When you get a termination notice you can leave at any time, except for when the landlord tells you they do not want you to stay when your fixed term agreement ends. You must stay until your fixed term agreement ends.
- If you stay longer than the date that the landlord gives you the landlord will have to go to the NCAT to get an order for you to leave.
- If your landlord has applied to the NCAT you will get a **Notice of Hearing**. If you get one of these, call EATS.



**Your landlord cannot make you leave your home without an order from the NCAT. Locking you out of your home or threatening you until you leave is against the law!**

## **WHAT TO DO WHEN THINGS GO WRONG**

- Call EATS for help on (02) 9386 9147. If you cannot talk to us straight away leave a message on our phone;
- If you have an urgent problem and cannot contact EATS call NSW Fair Trading on 13 32 20.

EATS IS A FREE SERVICE.

EATS HELPS ALL PEOPLE WHO RENT.

WE CAN GET INTERPRETERS TO SPEAK TO YOU IN YOUR LANGUAGE.

EATS ONLY HELPS PEOPLE WHO RENT, NOT LANDLORDS.

EATS NEVER TALKS TO YOUR LANDLORD WITHOUT YOUR CONSENT