

# EVICTON: Know your rights

As a lodger you are not covered by the Residential Tenancies Act and have virtually no protection against eviction.

Generally, only 'reasonable' notice is required before you can leave or are asked to leave. Reasonable notice would be the same period for which you pay your rent (e.g. if you pay rent fortnightly, two weeks notice would be required).

As a lodger, you also have no protection against being locked out of your premises. It is an offence to physically evict someone who has good reason to be on the premises, however, this does not stop the landlord locking you out when you pop down to the corner shop to buy some milk!

- Make sure you get your own set of keys to the property.
- Get agreement in writing of the rental period and clarify any house rules which your landlord/head-tenant may set about giving notice to leave.

If you are threatened with eviction, it is important to look into the rights and obligations that you have with your local Tenant Advice and Advocacy Service (TAAS). Contact details for TAAS can be found online.



For any further information as to your rights as a Lodger and illegal accommodation, note the following contact details:

## Department of Fair Trading

Call: 133 220

For complaints about misleading share housing advertising or about Real Estate Agent Conduct and for information on lodging bonds.

[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)

## BOA NSW

Should you have address and contact information regarding illegal hostels or shared accommodation, please email:

[boa@boansw.org.au](mailto:boa@boansw.org.au)

Call: 02 8267 0402

For a full list of BOA approved hostels, look for the BOA logo or visit [www.boansw.org.au](http://www.boansw.org.au) and click on our members.



# A travellers' guide to your rights & renting long term accommodation





Staying in shared accommodation during your stay in Australia may seem a cheaper alternative to staying in a hostel, however it can be very costly in the long term if you find yourself in an illegal dwelling. This booklet provides important tips for renting shared accommodation and will help you understand your rights as an Australian visitor.

### Rent increases, evictions, repairs and privacy are the greatest problems when renting shared accommodation

In most cases, travellers in shared accommodation are considered a Lodger and are **not covered** by the Residential Tenancies Act. As a lodger, you'll have virtually no protection by the law from unreasonable or unlawful landlords, overcrowding, rent increases and other issues which may affect your safety or security. Someone who rents a room, but does not have exclusive possession of the room, is defined by law as a Lodger. You are considered a lodger if you rent a room in a hotel-style house, where you share a laundry, kitchen and other areas, and/or where the landlord provides you with sheets, cleaning or other services. Once in shared accommodation as a Lodger, it is important that you understand your legal standpoint with the Landlord of the property.



## do not rent...

- from an individual or organisation which provide only a mobile phone number and declines to give an address on enquiry (you may not be able to recover your bond and the accommodation may not comply)
- from advertising fliers on lamp-posts
- where it is not clear how many people are sharing
- where there is clear overcrowding and you are offered a bed on a balcony or living area
- if you find several mattresses laid on the floor
- a property which is not clean on inspection



## safe living space

A property with only mattresses on the floor is usually considered an illegal dwelling. An average size bedroom within a high rise apartment block should have no more than 2 single beds in it. If you see several mattresses placed on the floor or in a place of the house you would not consider a bedroom, you may wish to look elsewhere.

### When choosing a room:

- ALWAYS check that the place is not overcrowded.
- Check if the beds are in good condition. Some buildings can be unsafe in the event of fire. Hostels which are Backpacker Operators Association NSW (BOA NSW) members (identifiable by the BOA NSW logo) meet design and annual compliance regulations.

### In other buildings, rental or share accommodation, look out for:

- Fire exit information
- Fire escapes which must always be kept clear
- Fire detectors (must be fitted in all bedrooms by law and in approved hostels alarms are hard wired and linked to the fire brigade)
- Working smoke detectors
- Fire extinguishers



## protecting your bond

A bond paid by a lodger does **not have to be lodged with the Rental Bond Board**. As a lodger, there is no landlord tenant relationship so if you have a problem getting your bond back, you should contact your local Tenant Advice and Advocacy Service (TAAS).

When paying your bond: **Make sure you get a receipt when you pay the bond** - at least then you have evidence if there is a problem getting it back.

Ask your landlord/head-tenant to **lodge the bond with the Rental Bond Board** at the start of the agreement.



## Paying Rent

Rent is usually paid in advance of your stay, usually every fortnight or monthly. Bills, such as electricity, gas, internet, cable television and insurance are not always included in the rental payment.

- Ask for a written receipt for all money paid in cash.
- Check what other bills or house expenses are included/not included in your rent.
- Get the contact details of the landlord, just in case the head tenant leaves.

If your flatmate moves out leaving you to pay all the Rent let your landlord/agent know what has happened. (Do this in writing - and keep a copy of the letter.) If you assure them that you are interested in staying and can pay the rent, they might allow you to stay as a tenant.

