TENANCY

* What is tenancy
* Written agreement
* Bond
* Residential Tenancies Authority (RTA)
* Entry condition report
* Damage – who fixes?

**P1** I need somewhere to live. How do you get a house or unit in Australia?

**P2** You do this through an agent or direct from the owner. You enter into an agreement called a “tenancy” agreement

**P1** What is a tenancy?

**P2** A tenancy is where a person pays someone else to live in their property. There are a few types of tenancies and each one has different rights and responsibilities. It is important to understand which one you are agreeing to so you know what you need to do and what rights you have.

**P1** OK. If I find a place I would like to live in with my family and I have spoken to the real estate agent, what then?

**P2** The real estate agent must give you a written agreement. This is the same if you rent direct from the owner as well. Even if you are going to rent a room or go to a caravan park for a long term stay. There are different forms but they all have to give you a written agreement.

**P1** How do I know if I have the right form given to me?

**P2** You can get free help from a group in Queensland called Tenants Queensland. They provide advice and help with all steps in renting. The community legal centre also gives free advice and information.

**P1** That is good to know. Do I have to pay upfront?

**P2** There is usually a bond to pay.

**P1** What is a bond?

**P2** The bond is like an insurance payment for the owner. It is usually a few weeks or a month’s worth of rent in case the tenant damages the property or does not pay the rent.

**P1** That sounds like a lot of money – 4 weeks rent. Who holds onto that money? Do I lose that money?

**P2** In Queensland, the residential tenancies authority (the RTA) holds the money until you move out. The rights and responsibilities in the tenancy agreement affect whether you get the whole bond money back or only part of it.

**P1** Will the RTA decide on that?

**P2** If you have paid all your rent on time and there is no damage to the property you should get all your bond back. If you and the real estate agent disagree about anything, like damage or whether the property was not clean, the RTA gathers all the information from you and the agent and makes a decision.

**P1** What do you mean by damage?

**P2** When you take the keys to the property for the first time, the agent goes through an initial inspection with you. This is called an Entry Condition Report. You also go through the property and check that anything that is missing, marked or broken is noted on the form. At the end of your tenancy, another report is completed. If there is anything found other than fair wear and tear, that is damage that you might have to pay to fix it.

**P1** If I have lived somewhere with my family for a year, the carpet is not going to look the same as it did when I moved in. Does that mean I have to pay for new carpet in the house?

**P2** No. If the carpet is worn as it would normally have been worn within a year, that is called normal wear and tear. If the carpet has a burn mark on it or a bit cut out or paint on it that cannot be cleaned, then you may have to pay to replace or buy a new carpet.

**P1** What if the hot water system breaks down? Do I have to pay for that too?

**P2** Not usually. The conditions will be in your tenancy agreement but normally things like the hot water system, the cooling and heating systems are the owner’s responsibility. You should replace blown light bulbs and keep the property clean and maintained otherwise.

**P1** What about the lawn?

**P2** If your tenancy agreement states that the owner will do the mowing, you don’t need to mow the grass and keep it tidy.