ENDING THE TENANCY

What happens at the end of my contract?

If you've signed a lease to rent for a fixed period of time (usually 6 or 12 months) this is called a **fixed term tenancy**. At the end of the fixed term tenancy, the contract automatically becomes a monthly lease. This is called a **periodic tenancy**.

If you want to move out of the property, you must always give the Residential Rental Provider or Real Estate Agent notice in writing. Usually you need to tell them 28 days before you move out, even if you are on a fixed term tenancy.

I want to move out early!

If you've signed a fixed term tenancy and you want to move out earlier, this is called **breaking the lease**. The Residential Rental Provider can claim for their reasonable costs which can include rent for the house when there is no tenant, and advertising costs. You should get legal advice before breaking your lease because there may be other options, like transferring

The agents or the Residential Rental Provider wants me to leave!

You can only be **evicted** (forced to leave a house) if the Residential Rental Provider has an order from VCAT. Otherwise the eviction is illegal.

First, the Residential Rental Provider must give you a **Notice to Vacate** which says why they want you to leave and when.

Then, you will get a **Notice of Hearing** to go to VCAT. You should always go to the hearing to give your side of the story.

If the landlord is trying to evict you, you should seek legal advice immediately.

ABOUT US

The Deakin Student Legal Service is a partnership between Deakin University Student Association (DUSA), Eastern Community Legal Centre and Barwon Community Legal Service.

Deakin Student Legal Service provides free and confidential legal advice and information for all current Deakin University students.

Even if you are not sure if your problem is a legal one please visit our website. If we are unable to help, we can refer you to someone who can. Book your appointment at:

eclc.org.au/deakin

eastern community legal centre

Eastern Community Legal Centre
ph: 1300 325 200

Burwood Campus

BARWON COMMUNITY LEGAL SERVICE

Barwon Community Legal Service
ph: 1300 430 599

Waurn Ponds Waterfront & Warrnambool Campuses

Request an appointment by scanning our QR Code

MORE PLACES FOR HELP & INFORMATION

Consumer Affairs Victoria
1300 55 81 81
consumer.vic.gov.au

Tenants Victoria
Renter Support Line: (03) 9416 2577
Admin: (03) 9411 1444
tenantsvic.org.au

DISCLAIMER: This information is intended as a guide only. It is not a substitute for legal advice.

Deakin Student Legal Service

TENANCY
LEASING
RENTING
HOUSING

KNOW YOUR RIGHTS!

For free information, referrals and appointments visit:

eclc.org.au/deakin

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FIVE STEPS FOR RENTING A HOUSE

1 Inspect the house

Make a list of things you would like to ask the landlord or agent. During the inspection, you should make sure that everything is working and write down any existing damage or issues with the house.

2 Sign the lease

You should always read the contract before you sign it and ask if you don't understand something. Make sure that you know how long it goes for, how much rent you need to pay, and how often you need pay. Make sure that electricity, water and gas are connected, and know who will be paying the utility bills.

If you want to share a house, make sure your housemates are people you can trust. You won't just be sharing accommodation; you'll also be sharing the legal responsibilities for the rent and for taking care of the house.

3 Pay the bond

Most houses will require you to pay a bond, and if the house is in a good condition after you move out, then the bond will be returned to you. You should always sign a **Bond Lodgment form** and pay the bond to the **RTBA**, and never directly to the Residential Rental Provider.

4 Get a Condition Report

If you pay a bond, then you must receive a **Condition Report** before you move in. This report is evidence of the condition of the property at the beginning of your tenancy. If you disagree with anything that the landlord or agent have written on the report, then you should write it down before you sign it. It is also a good idea to take photos of the house before you move in.

5 Paying rent

Rent is usually paid through an electronic funds transfer. However, if you pay your rent in person, make sure that you receive a receipt for every payment you make.

If there is a problem during your tenancy, you should seek legal advice about what to do. You should never stop paying your rent if you're unhappy with the landlord or the house. If you withhold rent, then the landlord can take steps to evict you from the house.

Something in the house is damaged or broken!

You should tell the landlord and the real estate agent immediately. The Residential Rental Provider has the responsibility to keep the house in good repair. The tenant has the responsibility to avoid damage and keep the house clean.

If you have caused the damage, you will probably need to pay for the damage to be fixed. If the damage happened because the house or appliance is old, usually this will be the Residential Rental Provider's responsibility to fix it.

Rent increases

If you have signed a contract for a fixed time (usually 6 or 12 months) then the Residential Rental Provider cannot increase the rent until the end of the fixed time, unless the contract says they can. The Residential Rental Provider must always give you 60 days written notice that they want to increase the rent. If you think the increase is unreasonable, you can apply to have the rent reviewed.

DURING A TENANCY

House Inspections

There are rules about when the Residential Rental Provider and real estate agents can come to the house. They can only come if you agree, or they must give you at least 24 hours written notice of when they will come to the house, and why.

Usually, they can only inspect the house **once every 6 months** to check that you are looking after the property. Sometimes they will also need to come into the house for repairs or to show buyers or new tenants around the house.

DICTIONARY

Bond
An amount of money you pay to the RTBA to make sure you take care of the house and keep it in a good condition.

Residential Rental Provider
Someone who rents out a house. Previously known as a landlord

Lease
The contract that you sign to rent a house.

Real Estate Agent
Professional representatives for the landlord. If the landlord hires real estate agents, then their job is to manage the house.

RTBA
Short for the Residential Tenancies Bond Authority. The RTBA is a government organisation that keeps your bond money safe until the end of the tenancy.

Renter
Someone who lives in and rents a house from a landlord. Previously known as a tenant.

VCAT
Short for the Victorian Civil and Administrative Tribunal. If they are any disputes about the tenancy then you can ask VCAT to make a decision about what should happen.