



Co-Tenancy Agreement

Information Sheet

This co-tenancy agreement is provided as a guide only. It has been prepared based on common disputes that occur in shared households. It is not intended to be an exclusive and comprehensive document for all housing arrangements.

Why should I use this co-tenancy agreement?

This co-tenancy agreement helps tenants deal with common problems in shared households. You can use this agreement to set out the rights and responsibilities between co-tenants. It does not change your rights or responsibilities under the lease with the landlord. If a conflict arises between the terms of the lease or the *Residential Tenancies Act 1997* (Vic) ('RTA') and this co-tenancy agreement, the lease and RTA will prevail.

The agreement helps co-tenants understand how much money they will need to pay, and what kind of duties and behaviours are expected within the house.

How do I use this agreement?

Everyone signing the agreement should read entire document first. Before anyone signs, make sure all the details are filled out correctly. Everyone should sign the first and last page on the one document, and copies should be made for each person who is signing. Make sure you keep the original agreement in a safe place.

What if someone breaks the agreement?

If someone breaks this agreement, it can be enforced against that person. This means the signed agreement can be shown in Court as evidence of what a person has agreed to do but has not done. The Court may tell that person to do the things agreed in the document, such as pay money to another tenant.

How do we enforce this agreement?

Disputes under this agreement may be resolved through the Magistrates' Court. However, in many cases, making an application in the Magistrates' Court, together with lawyer fees, is a costly way to resolve disputes. Students should seek legal advice before going to the Magistrates' Court.

What are other ways to resolve disputes?

To save time and money, and to maintain a good relationship with your housemates, you can go to mediation. In mediation, an independent third person tries to help everyone agree on a final decision. They can also help you put an agreement in writing. Unless mediation is ordered by a Court or Tribunal, your housemates don't have to go to mediation if they don't want to.

Free independent mediation services are offered by the Dispute Settlement centre of Victoria. You can visit www.disputes.vic.gov.au, or call **1300 137 164** for more information.

You can also contact the Deakin Legal Service for Students. We can give students advice on ways to resolve your dispute.

How can we make small changes to the agreement?

You can make small changes to the agreement if everyone agrees by crossing out and/or adding by hand. Each tenant will need to write their initials and the date on the original agreement next to the change to show that they accept the change. Remember to make copies of the changed agreement for everyone.

How can we make large changes to the agreement?

For lots of changes or changes which are very important (for example, a change in the rent amount), we recommend you sign a new agreement.

What happens when tenants are replaced?

You can sign a new agreement with the new group of co-tenants, or the new tenant can initial and date every time their name replaces the name of the tenant who is leaving. This shows that they accept the rights and responsibilities set out under this agreement.

What should we do if a section is not relevant to us?

Where a section is not relevant you should remove it from the agreement. You can remove the section by drawing a line through the words and having all the co-tenants initial the removal. You can also use this agreement as an example, and write a new agreement with the sections you want.

Irrelevant sections could include:

- If the property does not have a landline phone, you may remove that box on page 7; or
- If the rent includes some bills such as electricity, gas or water then you may remove those boxes on page 6; or
- If the parties do not wish to have a chore schedule as stated in 11.2 on page 7, that section may be removed.

How do I get more information?

If you have any questions or require more information, please contact the Sort It! Deakin Legal Service for Students. You can book an appointment online at www.eclc.org.au/deakin