

resident's handbook

rooming house



Rooming House Resident's Handbook

a guide for Victorian rooming house residents

Rooming House Resident's Handbook

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Telephone Interpreting Service (TIS)

English

The Tenants Union of Victoria is a free and confidential service for tenants and residents renting in Victoria. You can call us on ☎ 9416 2577 or visit our website at www.tuv.org.au. If you need an interpreter call us through the Telephone Interpreting Service on ☎ 131 450.

Amharic

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Arabic

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Croatian

Udruga Stanara Viktorije (The Tenants Union of Victoria) je besplatna i povjerljiva usluga za stanare i stanovnike koje iznajmljuju stambeni prostor u Viktoriji. Možete nas nazvati na broj 9416 2577 ili posjetiti naše internet stranice na adresi www.tuv.org.au. Ukoliko Vam je potreban tumač možete nas kontaktirati putem Telefonske Službe Tumačenja na broj 131 450.

Persian

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Polish

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Russian

Союз квартиросъемщиков штата Виктория (Tenants Union of Victoria) – это бесплатная и конфиденциальная служба для квартиросъемщиков штата Виктория. Вы можете позвонить нам по номеру 9416 2577 или посетить наш вебсайт www.tuv.org.au. Если вам нужен переводчик, то звоните нам через Телефонную переводческую службу по номеру 131 450.

Serbian

Удружење станара Викторије (The Tenants Union of Victoria) je бесплатна служба у поверењу за станаре и становнике који изнајмљују у Викторији. Можете нас назвати на 9416 2577 или посетити нашу интернет страницу на www.tuv.org.au. Ако вам треба преводиоц јавите нам се преко Телефонске преводилачке службе на 131 450.

Somali

Ururka Kiraystayaasha Fiktooriya waa adeeg lacag la'aana oo qarsoodi ah oo kiraystayaasha iyo deganayaasha guryaha ka ijaaranaya Fiktooriya. Waxaad naga soo wici kartaa 9416 2577 ama booqo websaytkayaga ah www.tuv.org.au. Haddii aad u baahan tahay mutarjum naga soo wac Adeega Tarjumida Qoraalka iyo Afcelinta tel: 131 450.

Spanish

La Unión de Inquilinos de Victoria es un servicio gratuito y confidencial para inquilinos y residentes que alquilan vivienda en Victoria. Usted nos puede llamar al 9416 2577, o puede visitar nuestro sitio web en www.tuv.org.au. Si usted necesita intérprete llame a través del Servicio Telefónico de Intérpretes en el 131 450.

Turkish

Viktorya Kiracılar Birliği, Viktorya'daki kiracılar ve ikamet edenler için kiralama konusunda ücretsiz ve güvenilir bir servistir. Bizi 9416 2577 nolu telefondan arayabilir ya da www.tuv.org.au adresinden sitemizi ziyaret edebilirsiniz. Bir tercümana ihtiyacınız varsa, bizi Telefonla Tercümanlık Servisi aracılığıyla 131 450 nolu telefondan arayınız.

Vietnamese

Công đoàn cho người mướn nhà của bang Victoria là một dịch vụ miễn phí và đảm bảo giữ bí mật dành cho người mướn nhà và cư dân mướn nhà ở Victoria. Quý vị có thể gọi cho chúng tôi theo số 9416 2577 hoặc vô trang mạng của chúng tôi theo địa chỉ www.tuv.org.au. Nếu quý vị cần thông dịch thì hãy gọi cho chúng tôi thông qua dịch vụ thông dịch trên điện thoại theo số 131 450.

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Disclaimer

Information is correct at the time of printing but may be subject to change. Please check details with the Tenants Union Advice Service (see page 1). This booklet is a guide only and should not be used as a substitute for the *Residential Tenancies Act 1997* or professional legal advice.

Introduction

Tenants Union Advice Service

☎ 9416 2577

All Victorian rooming house residents have legal rights. If you need advice on how to make sure your rooming house owner respects your rights, contact the Tenants Union Advice Service. This is a free and confidential service.

The Tenants Union Advice Service can:

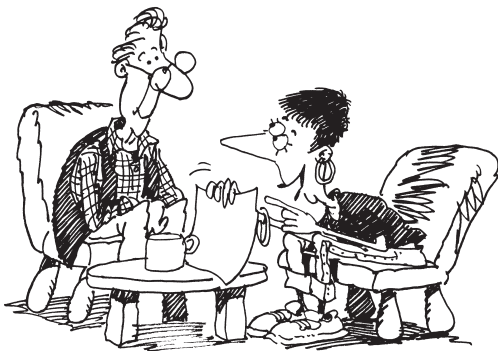
- > give you legal advice about your rooming house residency
- > help you read or fill in forms relating to your residency
- > check whether or not any notices or forms that the owner has given you are valid
- > help you at the Victorian Civil and Administrative Tribunal (which handles disputes between residents and rooming house owners)

You can call the Tenants Union Advice Service on **☎ 9416 2577** Monday, Tuesday, Thursday, Friday 9am-4pm and Wednesday 1pm-8pm.

If you live in the country and you can't afford a lengthy STD call, we can call you back. If you need an interpreter, call us through the Telephone Interpreting Service on **☎ 131 450**.

You can also use the Tenants Union Drop-in Advice Service at 55 Johnston Street Fitzroy (between Nicholson and Brunswick Streets) Monday, Tuesday, Thursday, Friday 9am-4.30pm, and Wednesday 1pm-8pm. You do not need to make an appointment to use this service.

tip> Rooming house owners don't always know the law as well as they claim they do. If in doubt, contact the Tenants Union Advice Service.



Who is a rooming house resident?

In the eyes of the law, you are regarded as a rooming house resident if:

- > you occupy a room in a premises where there are 4 or more people who rent a room or bed in the house or building, and you also share facilities such as a kitchen and bathroom
- > you live in a hotel or motel and you have occupied your room for at least 60 continuous days as your main or only residence, or you have a fixed-term lease for more than 60 days
- > the building has been declared to be a rooming house by the Minister of Housing

The information in this booklet is for rooming house residents only. If you're not sure whether this applies to you, contact the Tenants Union Advice Service. (If you live in a rooming house but you have signed a tenancy agreement to occupy your room, you may be regarded as a 'tenant' rather than a rooming house resident. The Tenants Union produces a free publication for tenants called the *Tenant's Handbook*.)

Contact the Tenants Union if you are not sure whether you are a rooming house resident or a tenant.

Private or shared room?

As a rooming house resident, you may have 'exclusive occupancy' of a room, which means that you have a private room all to yourself, or you may share a room with other people of the rooming house owner's choosing.

If you are in a shared room, the owner must give you written notice of the following:

- > the number of people who can share the room
- > the rent for the shared room and what the rent would be if the room were not shared
- > that you will be notified if another person is moving into the shared room

(If the owner wants to increase the number of people who can share a room, see 'When the owner wants to add residents to a shared room' on page 7.)



Starting your residency

Rent

At the start of your residency, the rooming house owner may ask you to pay rent in advance. They cannot ask for more than 14 days rent in advance. If they insist, contact the Tenants Union Advice Service.

tip> Make sure you get a written receipt from the rooming house owner whenever you give them money.

Bond

Some rooming house owners ask residents to pay a bond. The maximum bond they can ask for is equal to 14 days rent. If you are asked to pay a bond, the rooming house owner must give you a Bond Lodgement form. They must also give you 2 signed Condition Reports (one copy for them and one copy for you) before you move in. You have 3 days to return your signed copy.

If the rooming house owner insists on a bond but refuses to fill in a Condition Report, contact the Tenants Union Advice Service.

If you pay a bond, the rooming house owner must get you to sign a Bond Lodgement form. The owner must lodge your bond with the Residential Tenancies Bond Authority (RTBA) within 10 business days of you paying it. The RTBA should send you a receipt to confirm that they received your bond.

tip> The Office of Housing may be able to help you if you cannot afford the bond. Ask for a Bond Loan Application form at your local Housing Office (look under Human Services/Housing Services in the *A-K White Pages*) or contact the Tenants Union Advice Service.



Other documents & information

At the time that you move in, the rooming house owner must give you the following documents and information:

- > A Notice to Proposed Rooming House Resident: Exclusive Occupancy or Shared Room Right (see 'Private or shared room?' on page 3)
- > a Statement of Rights and Duties (booklet from Consumer Affairs Victoria)
- > a copy of the house rules (see page 7)
- > their name, address and phone number (in case urgent repairs are needed)
- > if the rooming house owner has an agent, the agent's name, address and phone number
- > whether the manager can authorise urgent repairs and if so, the amount they can authorise
- > the amount of extra rent you will be charged for any additional services they provide (eg meals, linen or room cleaning)

During your residency

Access

The rooming house owner must allow you:

- > 24-hour access to the rooming house and the communal bathroom and toilet facilities
- > access during 'reasonable' hours to other communal facilities

Privacy & entry to your room

The rooming house owner must avoid disturbing your peace and quiet.

They should also respect your privacy. However, it is legal for them to enter your room without notice if:

- > you agree at the time (or in the case of a shared room, each resident of the room agrees at the time)
- > there is an emergency and they need to save your life or valuable property
- > they need to provide a service you have paid for (eg deliver clean sheets)

The rooming house owner can enter your room after giving you 24 hours notice in writing if:

- > you are due to move out and they need to show the room to a new resident
- > the rooming house is due to be sold and they need to show your room to a buyer or lender
- > they need to carry out repairs or another duty under the *Residential Tenancies Act 1997*
- > they believe that you are using your room for an illegal purpose
- > they need to inspect the room and they haven't done so for 4 weeks

Note: It is illegal for the rooming house owner to enter your room except for the above reasons.

The notice must be delivered by mail or given to you personally between 8am and 6pm (they can't just slip it under the door). The rooming house owner must allow 2 full business days for the notice to be delivered if it is sent by mail. (A business day is any day from Monday to Friday, unless it is a public holiday.)

The actual entry is only allowed between 8am and 6pm and not on public holidays. The rooming house owner must behave in a reasonable manner during the visit. If they damage any of your property, you can apply to the Victorian Civil and Administrative Tribunal for compensation (see page 15).

When the owner wants to add residents to a shared room

If the rooming house owner wants to put more residents in a shared room they must get written agreement from all residents already living in the room. You don't have to agree to the increase if you don't want to. If you sign a Consent to Increase in Room Capacity form, you have 3 days after signing the form to change your mind. If you agree to an increase in room capacity, your rent must be reduced starting 7 days after you gave consent. The rooming house owner gets to decide who will be sharing your room.

tip> If you think that the owner is not offering enough of a rent reduction you should contact the Tenants Union Advice Service immediately.

House rules

The rooming house owner can make house rules about the use of rooms and the facilities in the rooming house. They must give you a copy of the house rules at the time that you move in. It is their responsibility to make sure that house rules apply to all residents, not just some.

The rooming house owner can change the rules, but they must give you 7 days written notice.

If you think that any of the rules are unfair, you can apply to the Victorian Civil and Administrative Tribunal (the Tribunal) to challenge them. However, you should continue to obey the house rules until the Tribunal makes a decision.

tip> Some rooming house owners tell residents that they need to get the signatures of all the other residents before they can challenge a house rule at the Tribunal. This is not true.

Electricity & gas

If your room has meters that measure your usage of electricity or gas (and no-one else's usage), you are likely to have to pay for these utilities. The rooming house owner cannot charge you more than they are paying to the supplier. However, most rooming houses don't have separate meters, which means the rooming house owner must pay all of these bills. Also, if you are in a shared room (see 'Private or shared room' on page 3) you do not have to pay for utilities.

tip> If you paid for electricity, gas or water when the rooming house owner should have paid, they must pay you back. If they refuse, contact the Tenants Union Advice Service.

tip> If your room has a heater but the room is not separately metered, the rooming house owner cannot charge you for use of the heater.

Repairs

You are responsible for keeping your room clean and tidy. Also, you must not install any fixtures in your room (eg picture hooks) without the rooming house owner's written consent or the owner could claim this against your bond or make a compensation claim.

The rooming house owner is responsible for keeping both your room and the rooming house in good repair. If repairs are needed, the steps you need to follow depends on whether the repair is urgent or non-urgent.

Urgent repairs

The following problems are considered urgent:

- > a burst water service
- > a blocked or broken toilet
- > a serious roof leak
- > a gas leak
- > a dangerous electrical fault
- > flooding or serious flood damage
- > serious storm or fire damage
- > a breakdown of essential hot water, water, cooking, heating or laundering services
- > a breakdown of gas, electricity or water supply
- > a breakdown in water appliances supplied by the rooming house owner that will lead to a large amount of water being wasted
- > a fault or damage that makes the rooming house unsafe or not secure
- > a serious fault in a lift or staircase

If an urgent repair is needed, your first step is to ask the rooming house owner to fix it. If they cannot be contacted or they refuse to fix the problem, contact the Tenants Union Advice Service.

tip> If there is another facility available in the rooming house (eg there is another toilet that you can use) then the repair will be a non-urgent repair.

Non-urgent repairs

If the problem is not urgent, send the rooming house owner a Notice to Owner of Rooming House. This gives the owner 14 days to fix the problem. This form is available from the Tenants Union Advice Service or Consumer Affairs Victoria.

If the problem is not fixed within 14 days, contact the Tenants Union Advice Service.

tip> Do not stop paying rent if the owner won't do repairs. Keep paying as usual or you could end up in rent arrears (see below).

Rent increase

Rooming house owners cannot increase the rent more than once every 6 months and they must give you 60 days written notice of a rent increase. If you are given a rent increase that you think is too high or you haven't been given at least 60 days notice in the correct form, contact the Tenants Union Advice Service as soon as possible.

Extra services

If part of your rent has been going towards an extra service (eg cleaning of your room) and this service is withdrawn or reduced, the rooming house owner must reduce your rent.

Rent arrears

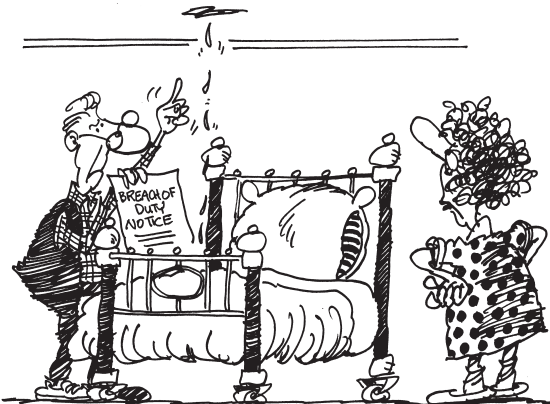
The rooming house owner can give you a 2-day Notice to Vacate if you owe 7 or more days rent. It is illegal for them to take or dispose of your property because you owe rent.

tip> You do not have to move out until there has been a Tribunal hearing. Contact the Tenants Union Advice Service if you receive a Notice to Vacate for rent arrears.

Breach of Duty Notice

The *Residential Tenancies Act 1997* (the Act) sets out the legal rights and duties of rooming house owners and residents. If the rooming house owner breaches your legal rights under the Act, you can give them a Breach of Duty Notice. Likewise, if you breach a duty under the Act, they can give one to you. If you receive a Breach of Duty Notice or you want to serve one on the owner, contact the Tenants Union Advice Service.

tip> Once you have served a Breach of Duty Notice, you may be able to claim compensation. Contact the Tenants Union Advice Service.



Ending your residency

When you want to move out of the rooming house

Notice of Intention to Vacate

You must give the rooming house owner at least 2 days notice if you want to move out. The notice can be verbal, or in writing if the rooming house owner insists. This kind of notice is called a Notice of Intention to Vacate.

If the rooming house is unfit for human habitation, or it has been destroyed or damaged so that it has become unsafe, you have the right to move out and stop paying rent. However you may have to prove that the rooming house was unfit when you moved out so you should collect evidence such as photographs. If you think the rooming house is unfit to live in, contact the Tenants Union Advice Service.

When the rooming house owner wants you to move out

Notice to Vacate

There are several different Notices to Vacate, ranging from an immediate notice to a 120-day notice. The amount of notice given depends on the reason. (For information on Notices to Vacate and notice times, see the Statement of Rights and Duties booklet you were given when you moved in or contact the Tenants Union Advice Service.)



Rather than going into detail about Notices to Vacate, we make the following important points:

- 1** In order to be valid, a notice must include specific details and must be given to you in the proper way.
- 2** You do not have to move out when the notice says you do, unless you want to. If the rooming house owner wants you to vacate, they **MUST** apply to the Tribunal for a Possession Order.
- 3** It is illegal for the rooming house owner to personally evict you. Only the police can evict you, and even then they must be acting on a Possession Order and a Warrant of Possession from the Tribunal.
- 4** If you receive a Notice to Vacate and you do not want to move out, you need to check whether the notice is valid or you need more time, contact the Tenants Union Advice Service as soon as possible.

tip> If you have been served with a 120-day Notice to Vacate because you exercised your rights (eg asked for repairs), the notice may be invalid. Contact the Tenants Union Advice Service if this happens to you.



Notice to Leave

A Notice to Leave is not an eviction notice. The rooming house owner can give you a Notice to Leave if they have reasonable grounds to believe that you have committed a serious act of violence or that you are a danger to others in the rooming house.

A Notice to Leave suspends your residency for 2 full business days. (A business day is any day from Monday to Friday, unless it is a public holiday.) It is an offence to remain in the rooming house during this time.

tip> After serving you with a Notice to Leave, the rooming house owner may make an urgent application to the Tribunal to have you evicted. Details of the Tribunal hearing (eg time and date) will be sent to your rooming house room. For this reason, you should contact the Tenants Union Advice Service as soon as possible.

tip> You cannot be given a Notice to Leave if you have already been given a Notice to Vacate for the same act of danger or violence.

Getting your bond back

If you have paid a bond and the rooming house owner refuses to return it, contact the Tenants Union Advice Service.

tip> Never sign a blank Bond Claim form. Before you sign, make sure that the owner has used the proper printed form and that it includes the amount to be paid to the rooming house owner (if any) and the amount to be paid to you.

Abandoned goods

If you leave goods behind, and the rooming house owner doesn't look after them properly and they are lost or damaged as a result, you may be able to claim compensation. Also, the rooming house owner cannot keep your goods because you owe rent. If you are having trouble getting your goods back, contact the Tenants Union Advice Service.

The Tribunal

The Victorian Civil and Administrative Tribunal (VCAT) handles disputes between residents and rooming house owners. The Tenants Union Advice Service can help you apply to the Tribunal.

At the time of printing, a Tribunal application costs \$35.20. If you are on a low income, you can apply to have the fee waived.

tip> If your problem is urgent (eg you need urgent repairs), tell the Tribunal at the time that you apply.

tip> If you need an interpreter, tell the Tribunal before the date of the hearing. This is a free service.

The Tenants Union Advice Service can help you prepare for your Tribunal hearing. We may also be able to represent you at the hearing.

Victorian Civil and Administrative Tribunal (VCAT)

55 King Street Melbourne 3000

☎ 9628 9800

☎ 1800 133 055 (Freecall)

Fax 9628 9822

Hearings are also held throughout suburban Melbourne and country Victoria.



Rooming House Resident's Handbook

This handy guide outlines the rights of Victorian rooming house residents. It also provides useful tips on how to make sure your rooming house owner respects these rights.

It covers:

- > abandoned goods
- > bonds
- > breach of duty
- > electricity & gas
- > ending your residency
- > eviction
- > house rules
- > privacy
- > rent
- > repairs
- > the Tribunal