your step-by-step guide to starting a tenancy (part one)

TENANTS UNION of Victoria Ltd

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START HERE

You are moving into a new rental property.

Do you want to break the lease before moving in?

YES

You can serve a Notice of Termination before taking possession if:
> the premises are not in good repair
> they are unfit for human habitation
> they are destroyed or unsafe
> they are not vacant
> they are not legally available for use as a residence
> they are for any other reason unavailable for occupation

NO

LEASE

Do you want a fixed-term tenancy agreement (lease)?

YES

A fixed-term lease is more secure than a periodic lease but it can be costly if you want to leave early.

See the ***Breaking a Lease*** fact sheet or 'your step-by-step guide to ending a tenancy' in *Tenant News* issue 3.

Does the lease allow for rent increases during the fixed-term?

YES

Think carefully before signing the lease. See the ***Rent Increases*** fact sheet or contact the Tenants Union Advice Line.

NO

Do you plan to keep a pet on the property?

YES

Get your landlord/agent's consent. If they agree, cross out the 'no pets' clause on the lease. Cross out any other clauses that do not apply to you or that you do not consent to.

NO

NO

To end a periodic (eg month to month) lease, you only have to give 28 days' notice in writing

The landlord can serve you with a Notice to Vacate if they want you to leave. See the ***Notice to Vacate*** fact sheet for details.

At the start of the tenancy you must be given:
> a Statement of Rights and Duties booklet from Consumer Affairs Victoria (red book)
> 2 copies of a Condition Report (if you have paid a bond), filled in and signed by the agent or landlord
> the landlord's name, address and ACN (if applicable)
> agent's name, business address, phone and fax numbers and ACN (if applicable)

Does the landlord have an agent?

YES

They must give you a statement setting out the agent's power to authorise urgent repairs, the maximum amount they can authorise and the agent's phone or fax number for urgent repairs.

NO

SIGNING A LEASE

Check the lease carefully before signing it. If in doubt, get advice before signing, especially if there are special conditions or additional terms attached.

You must be given a copy of the lease within 14 days of signing.

RENT

How much is your rent per week?

$350 or less

You cannot be asked to pay more than 1 months rent in advance.

Will you be paying rent weekly?

YES

You can only be asked to pay 2 weeks rent in advance.

NO

over $350

If your rent is more than $350 per week there is no limit on rent in advance.

For more information see our Starting a Tenancy fact sheet or contact the Tenants Union Advice Line on ☎ 9416 2577.