

# Starting a tenancy

## Tenancy agreements

A tenancy agreement (sometimes called a 'lease') may be in writing or it may be verbal. It may be for a fixed term (eg 6 or 12 months) or periodic (usually month to month).

Fixed-term agreements are more secure because they make it harder for the landlord to evict you, but it can be expensive if you want to move out before the end of the fixed term. (See the **Breaking a lease** fact sheet for more information.) Only commit yourself to a fixed-term agreement if you are reasonably sure that you want to stay for the full term of the agreement.

➔ Make sure you are happy with the condition of the property before you pay any money and before you move in. If the landlord offers or agrees to repair or improve the property before you move in (eg install a heater), make sure it is included in the tenancy agreement or get the promise in writing.

If there is a written tenancy agreement, you should be given a copy before you sign it. If necessary, seek advice before you sign, especially if there are 'additional terms' attached. You must be given a copy of the agreement within 14 days of signing.

## The Condition Report & other documents

At the beginning of your tenancy, your landlord must give you:

- > the Statement of Rights and Duties (booklet from Consumer Affairs Victoria)
- > if you have paid a bond, 2 copies of a completed Condition Report, signed by the landlord or agent
- > the landlord's full name, address, telephone and fax numbers, and a written statement about whether or not the agent can authorise urgent repairs
- > if the agent can authorise urgent repairs, the maximum amount they are authorised to spend, and the agent's telephone or fax number for urgent repairs

The Condition Report may be conclusive evidence of the state of the property (both inside and out) at the time that you moved in. The report can help you defend a bond claim or compensation claim for damage or cleaning costs at the end of the tenancy. Make sure you note any problems (such as carpet stains) on both copies of the report. If there is not enough space on the form, write 'see attached' in the relevant section and attach a separate sheet. When complete, sign and return one copy to the landlord and keep the other copy in a safe place. You should complete, sign and return the Condition Report within 3 business days of moving in.

➔ For information on inspecting and applying for a rental property see the **Applying for a private rental property** fact sheet.

## Rent & bond

If your rent is \$350 or less per week, you can be asked for a maximum of one month's rent in advance, plus a maximum of one month's rent as bond. If your rent is paid weekly, you can only be asked to pay 2 weeks' rent in advance.

If your rent is more than \$350 per week, there is no maximum limit on the amount of bond or rent in advance.

If your tenancy agreement states that the premises are the landlord's principal place of residence and that they intend to move back in when the lease expires, there is no maximum bond limit.

It is illegal for agents (or anyone else including a third party) to charge for the first issue of a rent payment card or for establishing and/or using direct debit facilities for rent payments. For more information see the **Complaints about landlords and real estate agents** fact sheet.

If you pay your rent in person, you must be given a receipt immediately. If you use another method to pay your rent and you

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request a receipt at the time of making the payment, you must be given a receipt within 5 business days. Even if you don't request a receipt at the time, you can still request a record of your rent payments within 12 months of the date of payment. You must be given a copy of the record within 5 business days of your request.

In most cases, you cannot be asked for both a bond and a guarantee. If you are, contact the Tenants Union for advice.

When you pay your bond, the landlord or agent must complete and sign a Bond Lodgement form and give you the form to sign. They must lodge the form and your bond money with the Residential Tenancies Bond Authority within 10 business days. The Bond Authority must send you a receipt within 15 business days of receiving it. See the **Bonds** fact sheet for more information.

↻ You cannot be given a rent increase more than once every 6 months. See the **Rent increases** fact sheet for more information.

**For more information phone the Tenants Union Advice Line on ☎ (03) 9416 2577.**