

## Fact Sheet

November 2010

# Private Rental: Steps to Renting

## 1. Complete an application

If you like a property you need to complete an application.

Make sure you have:

- photographic ID
- income and bank details
- your rental history over the past few years
- employment details and history
- names of people who will give you rental or personal references and their contact numbers
- copies of accounts in your name.

You have to sign a declaration giving the agent permission to contact any of the people you list for references. Before you submit applications, call the people you have listed as your references and tell them that agents may contact them.

Follow up with the agent in a few days and ask if they need any other information.

If you are unsuccessful, ask the agent why as this might help with your next application.

If you need help to fill out an application, Housing NSW staff can assist you.

## 2. Pay a deposit

- You may have to pay a deposit (one week's rent) to reserve the property while the agent looks at your application
- If your application is not successful, the agent must refund this fee
- If your application is successful, the money can become part of the rent in advance



- The agent will tell you how much you must pay when you sign the residential tenancy agreement.

## 3. Set a start date

- You and the landlord must decide a date when the tenancy starts
- This is the date when the residential tenancy agreement will start
- On this day you receive the key and can move in
- You must pay rent from this date even if you move in later.

Think about the best day to start paying rent. The day you are paid is recommended so you have the money when your rent is due.

## 4. Sign the residential tenancy agreement

- The residential tenancy agreement is a legal contract. You and the landlord or agent agrees to the conditions listed when you sign it.
- The agreement states:
  - who is renting the property
  - the period of time it will be rented (this is called the fixed-term period)

- the amount of rent to be paid and how you will pay it.

- Before signing the residential tenancy agreement, make sure you read and understand it. Ask someone you trust to go through it with you.
- When you sign the residential tenancy agreement the landlord/agent must give you:
  - a signed copy of the residential tenancy agreement
  - the property condition report
  - the Office of Fair Trading Renting Guide.

These documents should be kept in a safe place.

## 5. Pay the bond and rent in advance

- What is bond? - A security for the landlord if you stop paying rent or damage the property.
- How much bond will you pay:
  - unfurnished premises – 4 weeks rent
  - fully furnished premises (less than \$250 week) – 6 weeks rent

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- fully furnished premises (more than \$250 week) – unlimited.
- What happens to the bond money? You sign a bond lodgement form. The agent or landlord must lodge the money with the Rental Bond Board within seven days. You will be sent a receipt by the Rental Bond Board. You should keep this with your copy of the residential tenancy agreement.
- You must pay two weeks' rent in advance at the start of the tenancy. Once you have done this you will never be behind if you pay the rent when it is due.
- If you have met your tenancy obligations you can claim the rental bond at the end of the tenancy and receive a refund.

## 6. Complete the condition report

- The landlord or agent fills out and signs three copies of the condition report
- The agent must give you two copies of the filled out condition report by the time the tenancy begins
- You must fill out the 'tenant agrees' column with a Y (for yes) or an N (for no). If you do not agree you should write a reason in the comments area of the report
- You must sign and return a copy to the landlord or agent within seven days and keep the other copy safe with your copy of the residential tenancy agreement.

## 7. Pay the rent

- You and the landlord should agree on the rent you will pay and the method of payment before you move in
- Rent is usually paid weekly, fortnightly or monthly

- A direct debit through Centrepay (a free direct bill-paying service for customers receiving payments from Centrelink) or your employer is one way to make sure your rent is always paid on time
- If you pay your rent by cash or cheque, the landlord or agent must always give you a receipt. You should keep the receipts with your copy of the residential tenancy agreement
- If you deposit the money into a bank account or pay by Centrepay or direct debit, you may ask for a regular statement
- The landlord or agent must give you at least 60 days' written notice if they want to increase the rent.

## 8. Moving in

Once you have paid the bond and rent in advance, signed the residential tenancy agreement and received the keys you are ready to move in! See the Office of Fair Trading fact sheet Moving In for more information. [www.fairtrading.nsw.gov.au/realestaterenting/tenantslandlords/tenants](http://www.fairtrading.nsw.gov.au/realestaterenting/tenantslandlords/tenants)

You will need to have the gas, electricity and telephone connected in your name and pay deposits if required. You are free to choose your gas and electricity suppliers.

You may be able to get help with furniture, a fridge or loans for deposits from local welfare agencies. Ask staff at Housing NSW for a list of local agencies that may be able to help.

## 9. Avoiding problems with your tenancy

To avoid problems with your tenancy:

- read the Office of Fair Trading Renting Guide to understand your rights and responsibilities
- pay your rent on time

- take good care of the property
- don't disturb the peace, comfort or privacy of neighbours
- ask permission if you want another person to move in
- if you agree to anything, confirm it in writing and send your landlord or agent a copy
- keep all documents about the tenancy (e.g. condition report, tenancy agreement, letters, and receipts) in a safe place
- if you are sent a notice of a Consumer Trader and Tenancy Tribunal hearing, you must attend.

## 10. At the end of the tenancy

By law, you must give the landlord notice in advance if you want to end the tenancy:

- 14 days before if you plan to leave when the fixed-term period finishes
- 21 days before if the fixed-term period has already ended.

Ending a residential tenancy agreement before the end of the fixed-term period, can cost you money. The agent can claim for:

- rent until a new tenant moves in or the agreement runs out
- a re-letting fee
- advertising costs.

When the fixed-term period ends you may have the option to continue to rent on an ongoing basis. It is important to tell the agent if you want to stay on before the fixed-term ends.

When you are ready to leave you must provide the landlord with a written note stating:

- the address of the property
- the date you will move out
- your name/signature and date of the letter.

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Once you have moved out you must:

- meet the landlord at the property for a final inspection
- complete the original condition report
- return the keys.

You can then claim the bond.

See the Office of Fair Trading Moving Out fact sheet for more information [www.fairtrading.nsw.gov.au/realestaterenting/tenantslandlords/tenants](http://www.fairtrading.nsw.gov.au/realestaterenting/tenantslandlords/tenants)

### 11. Claim the bond at the end of the tenancy

When the tenancy is finished you can claim back the bond.

- Fill in a Claim for Refund of Bond Money form <http://www.fairtrading.nsw.gov.au/pdfs/realestaterenting/claimrefundbond.pdf>
- If your rent is up to date and there is no damage to the property, the agent signs the form. You can send the form by a fax, or take it to Renter Services in the Office of Fair Trading, who will make the refund

- If some of the bond is to be used for cleaning or repairs, you should sign the same form claiming a reduced amount
- If you and the agent cannot agree, you should make a claim yourself by sending a claim form to Fair Trading without the signature of the agent. A notice will be sent to the agent advising them of the claim and giving them 14 days to apply to the Consumer Trader and Tenancy Tribunal (CTTT) to dispute it. If no reply is received within 14 days the bond will be paid to you.
- The agent may also make a claim without your signature.

### 12. Rights and responsibilities

As a tenant you have rights as well as responsibilities. There are laws to protect the rights of tenants and landlords.

For more information contact The Office of Fair Trading. The Office of Fair Trading is responsible for the laws about renting.

The Office of Fair Trading Renting Guide provides important information about renting. A range of fact sheets are also available.

[www.fairtrading.nsw.gov.au/realestaterenting/tenantslandlords/tenants](http://www.fairtrading.nsw.gov.au/realestaterenting/tenantslandlords/tenants)

Telephone these numbers for more information:

Tenancy Information  
Tel: 13 32 20  
TTY 1300 723 404

Aboriginal Tenancy Information  
Tel: 13 32 20 Toll free 1800 500 330  
TTY 1300 723 404

Rental Bond Information  
Tel: 13 32 20  
TTY 1300 723 404

It is illegal for an officer of Housing NSW or a community housing provider to ask for money or favours or other benefits of any kind in exchange for helping you with your housing needs.

It is also illegal for you or anyone else to offer money or favours or other benefits of any kind to anyone who works for Housing NSW or a community housing provider in exchange for helping you. If you have any information regarding this, please contact Business Assurance on 1300 HOUSING (1300 468 746).

#### Translation service

Arabic	خدمة الترجمة الخطية والشفوية المجانية اتصل على الرقم 131 450
Chinese	免費的翻譯傳譯服務 致電 131 450
Russian	Служба бесплатного письменного и устного перевода Позвоните по номеру 131 450
Spanish	Servicio Gratuito de Traducción e Interpretación Llame al 131 450
Vietnamese	Dịch vụ Phiên dịch và Thông dịch Miễn phí Điện thoại 131 450