



# RENT ARREARS

Information for Tenants

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*The Residential Tenancy Act 1997 is very specific as to the rights and responsibilities of landlords/agents and tenants when it comes to the payment of rent for a tenancy.*

## PAYMENT PERIOD

A payment period specifies how often rent must be paid according to the lease. Generally a payment period for rent is either one or two weeks.

Whatever payment period is accepted as a term of the lease must remain in advance for this period. A payment period cannot be changed unless all parties to the agreement accept any change.

A payment period cannot exceed **four** weeks (or two weeks for boarding premises). In Tasmania, it is illegal for a landlord to charge rent per calendar month.

## RENT IN ADVANCE

Rent is required to be paid in advance during the term of the lease .

*For example:* A tenant moves in on July 1st and rent is to be paid fortnightly. Rent is paid on July 1 for the period from July 1 to July 14.

In other words, rent is paid for time that the property will BE occupied, not the time the property HAS BEEN occupied.

## RENT ARREARS

Rent must always be paid when it falls due. This is a condition of all lease agreements. Rent Arrears occurs when a tenant fails to pay rent for a period they are in the property.

*For example:*

- The next payment period is for April 1 to April 14 and should be paid on April 1
- Rent is not paid until April 5, therefore rent is in arrears from April 1 until April 4
- Once paid, the rent is no longer in arrears, it is correctly in advance until April 14.
- NOTE: Rent is due again on regular payment date, not in a fortnight from the last payment.

If rent is paid five days late, the tenant would be breaching the rent in advance clause in their lease.

### NOTICE TO VACATE - Eviction Notice

Should a tenant get behind in rental payments the landlord/agent may issue a Notice to Vacate (eviction notice) for rent arrears. This notice must specify the amount of arrears owing at the time the notice is provided.

A Notice to Vacate for rent arrears must give at least **fourteen (14) clear days** notice to solve the problem. This allows the tenant to:

- pay the arrears owing, thus remedying the problem, and no further action can be taken. OR
- vacate the property (note that any rent arrears may be taken from the bond).

It is important to note that during any twelve month period, if a tenant receives **three Notices to Vacate specifically for rent arrears**, the landlord/agent is entitled to rely on the third notice to have the tenant vacate the property even if they pay the arrears owing. In very simple terms - this is a three strike rule.

If an landlord/agent issues the third and final Notice to Vacate and the tenant does not vacate the property the landlord may apply to the Magistrates Court for an Order for Vacant Possession (eviction). This may also occur on any other Notice to Vacate for arrears if the arrears are not paid.

## IF YOU FALL BEHIND...

*If you do get behind in the rent we recommend the following:*

- Be active in finding a solution and DO NOT ignore the problem.
- Contact the landlord/agent to discuss the issue as soon as possible.
- If possible pay the arrears or enter into a payment plan to repay the arrears.
- Contact the Tenants' Union with any queries about the legality of the action taken against you.
- Housing Connect (Phone: 1800 800 588) may be able to provide assistance in paying rent arrears and bonds (conditions apply)

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## USEFUL CONTACTS

Tenants' Union of Tasmania Inc  
166 Macquarie Street Hobart  
☎ 6223 2641 or 1300 652 641

[www.tutas.org.au](http://www.tutas.org.au)

Residential Tenancy Commissioner  
(Consumer Affairs & Fair Trading)  
☎ 1300 654 499

Legal Aid Commission of Tasmania  
☎ 1300 366 611

Housing Connect  
(including Rent and Bond Assistance)  
☎ 1300 729 400

Anti Discrimination Commission  
☎ 6224 4905 or 1300 305 062

Women's Legal Service  
☎ 1800 682 468

Hobart Community Legal Service  
☎ 6223 2500

Launceston Community Legal Centre  
☎ 1800 066 019

North West Community Legal centre  
☎ 6424 8720