

Common rental types for students. Covered by the Act?



STUDENT ACCOMMODATION

Information for Tenants

There are multiple types of rental properties in Tasmania. It is very important to consider what your rights and obligations are before you sign a lease. Some are regulated by the *Residential Tenancy Act 1997*, while others are not. If you are not protected by the *Residential Tenancy Act 1997* you will have fewer rights.

What are Boarding Premises?

A Boarding premises is defined under the *Residential Tenancy Act 1997* as a room and any other facilities provided with the room where the room is occupied as a principal place of residence and any of the bathroom, toilet or kitchen facilities are shared with other persons. Each person will have their own lease, and pay their rent individually. Most boarding premises are protected by the *Residential Tenancy Act 1997*.

The *Residential Tenancy Act 1997* **does not apply** to boarding premises where (1) the owner of the premises also lives there, and (2) there are less than three tenants living in the premises. You should be very careful before entering a lease like this. If you do, make sure you get a written copy of the lease agreement.

The *Residential Tenancy Act 1997* also **does not apply** to some accommodation that is part of an education institution. The Tenants' Union can help determine whether the Act applies or not.

What are Share Houses?

A share house is formed when two or more people jointly sign a lease with a landlord or

agent. Members of a share house are called co-tenants. Co-tenants are jointly and severally liable for paying the rent and damage, meaning the landlord/agent may sue or evict all of the co-tenants for rent arrears or damage even though only one is responsible. Co-tenants must then sort out any debts between themselves. Share houses are protected by the *Residential Tenancy Act 1997*.

What are Sub-Tenancies?

Sub-tenants are those with a lease agreement with another tenant, not a landlord or agent. The tenant must get permission from their landlord/agent before they can have a sub-tenant. Sub-tenancies **are not covered** by the *Residential Tenancy Act 1997* so you should be very careful before agreeing to be a sub-tenant. Make sure you get a written copy of the lease agreement.

Some advantages of being protected by the *Residential Tenancy Act 1997 (TAS)*

- Bond is protected by the Rental Deposit Authority until the end of the lease;
- Any eviction must be approved by the Magistrates Court;
- Notice must be given before eviction;
- Residential Tenancy Commissioner can fine landlords/agents for acting unlawfully;
- Residential Tenancy Commissioner can force landlord/agent to do repairs;
- Limits on rent increases and utility costs.