

# Renting and sub-letting

Anyone can talk to a lawyer for free at Tasmania Legal Aid.

To get free legal information call 1300 366 611, drop into our Hobart or Launceston office (no appointment necessary) or use the Legal Talk chat function on our website. We are open Monday to Friday, 9am to 5pm.

A lawyer can listen to your story and help identify the next steps you can take.

There are specific laws that relate to tenants of a property, which are different if someone is a tenant or a sub-tenant.

## What is a 'tenant' and a 'sub-tenant'?

If you move into a house and pay rent, you are known as a "tenant." A tenant has an agreement with the owner of the house which covers such things as how much rent to pay, any special rules about the house, and how long the agreement goes for. This agreement is called a "lease."

If someone who is renting a house invites you to move in with them and you pay rent directly to this person and not the owner (or their real estate agent), you are known as a sub-tenant.

Sub-tenants have less rights than tenants and the following are some things to consider.

## What are my rights as a sub-tenant?

As a sub-tenant you are allowed to stay at the house if:

- The person who has the lease (the "tenant") keeps living in the house; and
- The owner of the house (or their agent) gives permission for you to stay.

If you agree to move into a house as a sub-tenant, you should work out all the arrangements such as how much you will pay for rent, how bills are to be paid, and how long you can stay. You should get this agreement in writing. You and the other person should sign the document, and each keep a copy. If in the future there is a disagreement about the arrangements, this document will help resolve any issues.

## Is it okay to pay rent for a shared bedroom?

All tenants should have a safe and secure personal area, which is off limits to all other tenants unless they are invited to enter. Locks are an optional item and cannot be installed without the permission of the landlord/agent.

## What is a bond?

A bond is an amount of money, usually 2 to 4 week's rent worth, that a tenant needs to pay before they move into a rental property. When the lease arrangements end and the tenant leaves the property, the bond is returned. If there is any damage to the property, the landlord can apply to pay for the damage out of the bond.

A bond needs to be paid through the MyBond. A bond should not be paid directly to a landlord or real estate agent.

A sub-tenant is not required to pay a bond, but if a sub-tenant's name is included on the lease, then a bond is required. If a sub-tenant pays to a tenant any bond this needs to be recorded on the written agreement between the sub-tenant and the tenant.

## My friend wants to leave the house now – what do I need to know?

If a sub-tenant is in a house and the tenant decides to move out, or the lease expires, the sub-tenant must either:

- Also leave the house. This is because a sub-tenant cannot stay in a house if the person, they have an agreement with moves out;
- Rent the house yourself, and so become a tenant. This will require paying a bond and entering into a new agreement with the owner or the real estate agent. This may not be possible if the owner does not want to rent the house any more or does not want to rent the house to you.
- If there are other people in the house and they are staying, you could enter into an agreement with someone else who is remaining in the house, if they agree. You will need to get the new agreement and arrangements in writing and each sign a copy.

## My friend has asked me to leave – what can I do?

If you are asked to leave a house, you should refer to the agreement that you had in place. You should speak to a lawyer to get some advice.

## The owner wants the house back – do I need to move out?

If the lease comes to an end any tenants and sub-tenants will need to move out. A tenant has certain legal rights which will relate to the terms of the lease agreement; however, a sub-tenant does not have these same rights. A sub-tenant should speak with a lawyer to get some advice about their situation.

## How do I get my bond back?

All bonds must be managed online through MyBond. If the owner (or their agent) intends to claim from the bond money to make repair to the property, they must start a claim within 3 working days of the tenants returning the key (or advise the tenants that they intend to do so). If the owner is claiming any part of the bond they must give reason for the claim. A tenant then has 10 working days to dispute the claim if they wish to do so.

The bond (minus any claim, where this has been successfully made) will be paid electronically to the tenant's bank account that they provide in MyBond.

If there is any disagreement about the bond return, the Rental Deposit Authority will start a process to resolve the issue. Bond disputes are decided by the Residential Tenancy Commissioner.

## Where can I get more help?

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

This is written for people who live in or who are affected by the laws of Tasmania, Australia. The law changes all the time – this information is not legal advice. If you have a legal problem, you should talk to a lawyer before making a decision about what to do.