

Questions about renting for international students



**Government
of South Australia**

Office of Consumer
and Business Affairs

Questions about renting for international students

If you are an international student who has come to Adelaide to gain skills and knowledge then finding a place to live is one of the most important things you will need to do. You will need to consider things like cost, location, conditions and rules.

If you have come from another country where rules, laws and rights may be different, then making the right decisions and knowing what you're supposed to do - and what you can't do - can be confusing and stressful.

You may end up renting a house or unit and have to sign a contract or 'Residential Tenancy Agreement', or you may choose to rent a room as part of a 'Rooming House Agreement'.

It is important to understand your obligations and your landlord's rights and responsibilities as well. The information in this document will help you understand your rights, and help you to make good decisions when it comes to your accommodation. It has been prepared by the Office of Consumer and Business Affairs (OCBA). You can call the OCBA Tenancies Branch for assistance on 8204 9544.

What is the difference between a rooming house agreement and a residential tenancy agreement?

A rooming house agreement is used where boarders or lodgers rent a lockable room in a property in which there is accommodation for three or more people. You might rent your room on your own or with a friend. The owner (proprietor) might also live in the property or just visit regularly. Some owners visit to provide meals or to clean the common areas or just to check that all the residents are abiding by the House Rules which the owner must have displayed in a place where all residents can see them.

A residential tenancy agreement is used where you (the tenant) rent the whole property from the owner (landlord), or you rent a room from the owner and share the rest of the house with other tenants who also rent a room from the owner. Under a residential tenancy agreement the landlord cannot come onto the property without your consent or without first giving you proper notice.

Rooming House Agreements

- **When I pay money to the owner (proprietor), should I get a receipt?**
If the payment is made in cash the owner (proprietor) must give you a receipt immediately. If the payment is made in a form other than cash a receipt must be given within five days. However if the payment is made into a bank account kept by the owner (proprietor) or their agent, a receipt does not have to be given.
- **Can the owner (proprietor) come into my room without notice?**
No, the owner (proprietor) cannot interfere with your quiet enjoyment of your room. That means they would have to notify you before entering your room.

- **The window in my bedroom won't lock. What do I do if this type of repair is required?**
You need to tell the owner (proprietor) that the repair is required. It is a good idea to put your request to the owner in writing. If the problem is not fixed you should contact OCBA Tenancies Branch on 8204 9544.
- **How much money can the owner (proprietor) ask for at the start of the agreement?**
The most you can be asked to pay is one week rent and a security bond of no more than two weeks rent.
- **What if I'm late with the rent? Can the owner charge me a penalty fee?**
By law, the owner cannot charge a penalty fee for being late with the rent. For information about unfair contract terms contact the Tenancies Branch on 8204 9544.
- **Does the owner (proprietor) have to lodge the bond with any authority?**
No, the owner (proprietor) can hold onto the bond. You must be given a receipt when you pay the money to the owner (proprietor).
- **What can I do if the owner (proprietor) won't return my bond at the end of the agreement?**
Contact the Tenancies Branch on 8204 9544.
- **Does my rooming house agreement have to be in writing?**
This type of agreement does not have to be in written contract form. However it is best to have it in writing so that you have proof of the agreement you have entered into.

Residential Tenancy Agreements

- **Do I have to complete the inspection sheet at the commencement of the agreement?**
When you move into a property the landlord must provide you with *two* copies of a completed *inspection sheet*. This sheet will indicate the condition of the property. You should check the inspection sheet and note any areas where you disagree with the landlord's assessment of the property. Make sure that you note these changes on both copies of the inspection sheet, and then give one copy to the landlord. It is important for you to have this record as you may need it at the end of the tenancy if there is a dispute about the condition of the property.
- **How much bond can my landlord ask for?**
The maximum bond a landlord can ask for depends on the weekly rental amount. If the rent is \$250 or less per week the landlord can ask for a bond that is equal to or less than 4 weeks rent. If the rent is over \$250 per week the landlord can ask for a bond that is equal to or less than 6 weeks rent.
- **Can the landlord hold on to the bond money?**
No, the landlord must lodge the bond money with OCBA Tenancies Branch within seven days of receiving it. If the landlord has an agent managing the property for them, the bond must be lodged within 30 days of receiving it. Once the bond has been lodged the Tenancies Branch will send you a receipt so that you know the bond has been lodged.

- **Does my landlord have to give me receipts for the rent I pay?**
The landlord must give you a receipt within 48 hours if you pay rent directly to them. However if you pay rent into a bank account the landlord does not have to give you a receipt.
- **My tenancy has ended and the landlord won't return my bond money. What can I do?**
You can lodge a security bond refund form with OCBA Tenancies Branch without the landlord's signature, or contact the branch on 8204 9544.
- **How can I get my landlord to do repairs?**
Firstly, advise your landlord of what needs repairing. It is best to do this in writing; you may wish to use the *Request for Repairs* form available on the OCBA website (www.ocba.sa.gov.au). If the repair is not carried out you can contact the Tenancies Branch on 8204 9544 for advice.
- **My friend stopped paying her share of the rent. What can I do?**
If both your name and your friend's name appear on the rental agreement with the landlord then this is called a *co-tenancy*. If the rent has not been paid fully for more than 14 days then one or all of the co-tenants may be evicted (asked to leave the property). If you cannot sort out the problem with one of your co-tenants you may need to seek legal advice.
- **I vacated the property and left some furniture in there. The landlord refuses to give my furniture back because he says I owe him money for rent. How can I get it back?**
The return of your furniture and you owing rent are two separate issues. Your landlord cannot refuse to return your furniture to you because you owe rent. However, if your furniture is left in the property for more than two clear days after your tenancy has officially ended, the landlord is obliged to deal with the furniture as *abandoned goods*. Depending on the value of the furniture, the landlord may be able to refuse to return the furniture to you until you pay costs that have been incurred by the landlord as a result of complying with the *abandoned goods* process. Once again, you can contact the Tenancies Branch on 8204 9544 for more information.

*Further information can be found on the OCBA website: www.ocba.sa.gov.au, look under *Tenancies* on the menu bar.*

Our head office address is:

Office of Consumer & Business Affairs
Chesser House
91-97 Grenfell Street
Adelaide SA 5000

The information provided on this sheet is of a general nature only and should not be regarded as a substitute for professional advice and/or reference to the appropriate legislation. The Office of Consumer and Business Affairs is a State Government organisation that can give you information and advice about renting a place to live.

Advice in your language

We can give you advice in your own language. Phone 131 450 to use the FREE Telephone Interpreting Service. A person will interpret for you in a three-way conversation.

Ask to be connected to:
Office of Consumer and Business Affairs on 8204 9544 Renting advice.