Rooming house residents guide

Residential Tenancies Act 1997, s.124(1)(a)

Keep this information. You might need it while living at the rooming house, or when you move out.

For more information, including for rooming house operators, visit consumer.vic.gov.au/renting.

See renting information in other languages: consumer.vic.gov.au/languages.

See renting information in Easy English: consumer.vic.gov.au/easyenglish.

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Because this publication avoids the use of legal language, information about the law may have been expressed in general statements. This guide should not be relied upon as a substitute for the *Residential Tenancies Act 1997* or professional legal advice.

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The Rooming house residents guide is the summary approved by the Director of Consumer Affairs Victoria of the rights and duties of a rooming house resident under the *Residential Tenancies Act 1997*.

Rooming house operators must give this guide to renters on or before the day they move in.

Bond

The rooming house operator may ask you to pay a bond before you move in. The bond amount must not be more than 14 days' rent (or 28 days' rent if you have a fixed-term rooming house agreement).

You may choose to pay the bond directly to the rooming house operator, or directly to the Residential Tenancies Bond Authority (RTBA).

If you give the rooming house operator written notice that you want to pay your bond directly to the RTBA:

- the operator must choose this option when they start the bond lodgement transaction with the RTBA
- you must pay the bond money to the RTBA within 2 business days of accepting the bond lodgement transaction you start on the RTBA website.

If you choose to pay the bond directly to the rooming house operator:

- the operator will need to provide you with a receipt for the money received. Ensure you keep a receipt of the bond money transfer.
- the operator will need to start a bond lodgement transaction on the RTBA website within 10 business days of receiving the bond money from you
- once you accepted the bond lodgement transaction from the RTBA, the bond money is debited from the operator's bank account that is registered on the RTBA website.

A bond receipt will be emailed to all parties - keep a copy of this handy. If you do not receive a receipt within 15 business days of making payment, you can contact the RTBA < consumer.vic.gov.au/about-us/statutory-bodies-and-committees/residential-tenancies-bond-authority>.

The rooming house operator must also complete and sign the Condition report – rooming houses, making comments in the space provided

More information: consumer.vic.gov.au/lodgingbond.

Condition report

The rooming house operator must give you a condition report. They must fill in their part of the report, sign it and give you 2 copies (or 1 copy electronically) before you move in.

Inspect the property and add your own notes on its condition, including any damage. Take photos if you can. Give 1 copy of the completed, signed report to the operator within 5 days of moving in.

Important: Keep your copy of the condition report. You might need it if there is a dispute about who should pay for cleaning, damage, or replacement of missing items.

Repairs

The rooming house operator is responsible for all repairs. However, you may be asked to arrange and/or pay for repairs if you caused the damage. You must continue to pay rent while waiting for repairs to be done.

Urgent repairs

Urgent repairs may include the following:

- a blocked or broken toilet
- a dangerous electrical fault
- a gas leak
- a serious water leak, or flooding
- a fault that makes the property or your room insecure. For example, a broken lock
- breakdown of an essential service or appliance provided by the rooming house operator. For example, a hot water system.

See the full list of urgent repairs at consumer.vic.gov.au/rentalrepairs.

What to do: Tell the rooming house operator as soon as possible. They must respond without delay. If they do not, contact Consumer Affairs Victoria for information and advice.

If the operator does not respond quickly enough and you have to pay for an urgent repair yourself, the operator must pay you back, up to a limit of $2,500.

More information: consumer.vic.gov.au/rentalrepairs.

Non-urgent repairs

Non-urgent repairs are anything not on the 'Urgent repairs' list at consumer.vic.gov.au/rentalrepairs.

What to do: Give the rooming house operator a 'Notice to operator of rooming house' form telling them what needs to be repaired. The operator must respond within 14 days. If they do not, contact Consumer Affairs Victoria for information and advice.

More information: consumer.vic.gov.au/rentalrepairs.

Minimum standards

Rooming house operators must ensure their properties meet minimum standards that relate to privacy, security, safety and amenity. The minimum standards cover residents' rooms, bathrooms, kitchens, dining facilities in a common area, shared laundries, gas and electrical fittings, fixed heaters in residents' rooms, lights and locks.

For more information visit consumer.vic.gov.au/minimumstandards.

Safety and privacy

You have a right to privacy, peace and quiet. This means that you must not unnecessarily disturb other residents. The rooming house operator must also respect your right to privacy, peace and quiet.

An operator can give a resident or their visitors a 'Notice to leave', effective immediately, if they are being violent or are putting others in danger. This notice prevents the resident or visitor from returning for two business days. Alternatively, an operator can issue a 'Notice to vacate' on the same day if a resident or their

visitors endangers the safety of other residents, neighbours, the operator, their agent or employees. For more information, visit consumer.vic.gov.au/roomsafety.

For information on your renting rights if you are affected by family violence, visit consumer.vic.gov.au/rentingfv.

Operator entry to your room

If the rooming house operator wishes to enter your room, they must give you:

- 48 hours' notice, for a general inspection
- 24 hours' notice, for any other reason.

For more information, visit consumer.vic.gov.au/roomentry.

Rent increases

If the operator wants to increase the rent, and you have not asked for additional services, they must give you at least 90 days' notice using a form provided by Consumer Affairs Victoria. Your rent cannot be increased more than once every 12 months. For more information, visit consumer.vic.gov.au/rentincreases.

Extra fees and costs

The operator must give you certain forms and publications when you start living at the rooming house. This includes a notice outlining the fees for any extra services the operator provides. For example, room cleaning, linen or meals. If you use these extra services, the operator must give you an itemised account detailing their use.

Bond claims

Before you move out, you and the rooming house operator should:

- try to agree on how the bond will be finalised
- set out the agreed division in the bond claim form.

The operator can claim part or all of the bond for specific things, such as:

- damage caused by you or your visitors (but not fair wear and tear)
- cleaning expenses, if you have not left the property reasonably clean.

If the rooming house operator wants to claim part or all of the bond, they must tell you at least 3 business days before making a claim and give you evidence that supports their claim. The evidence must not contradict the condition report.

Process for claiming a bond

The rooming house operator will usually start the bond claim process online with the RTBA. Only accept the bond claim or sign the form if you agree with the amount you will receive back, and all your repayment details are correct. You can ask for changes to the claim.

Once everyone has accepted, the RTBA will usually repay the bond within one business day.

You can also start the bond claim process directly with the RTBA. The RTBA will then contact the rooming house operator, who has 14 days to dispute the claim.

If they do nothing, the RTBA will pay the bond to you.

For more information, visit consumer.vic.gov.au/bondclaims.

If you cannot agree on the bond

If there is a dispute about the bond, you or your rooming house operator or other residents can apply to Rental Dispute Resolution Victoria (RDRV) for help.

Your rooming house operator must provide RDRV with evidence that supports their claim on the bond. RDRV will review the details, discuss it with everyone, and try to help you reach a fair outcome.

If an agreement isn't reached, RDRV will help you with next steps, including how to ask for a decision by the Victorian Civil and Administrative Tribunal (VCAT) if necessary. VCAT can make an order about how the bond should be divided.

More information: consumer.vic.gov.au/bonddisputes.

Discrimination

Rooming house operators must not unlawfully discriminate (or tell their agent to unlawfully discriminate) against you. For example, they must not discriminate against you because of your sex, age, disability, race or religion when deciding whether to rent you a room.

For more information, visit consumer.vic.gov.au/rentingdiscrimination.

Pets

You can only keep a pet with the operator's permission.

Resident disputes

The Dispute Settlement Centre of Victoria can hear disputes between residents and help them reach agreement. For more information, visit disputes.vic.gov.au.

Threat of eviction

A rooming house operator cannot evict you for exercising your legal rights or saying you will do so. They can only end your agreement for specific reasons. They must give you the required amount of notice and use the correct 'Notice to vacate' form.

If you are worried about getting a notice to vacate or getting evicted, contact Consumer Affairs Victoria for information and advice.

Useful contacts

Organisation	When to contact	Phone number	Website
Consumer Affairs Victoria	If you have questions about renting agreements, bonds, rent increases or repairs If you are being evicted	1300 55 81 81	consumer.vic.gov.au
Residential Tenancies Bond Authority (RTBA)	To look up your bond, transfer a bond or arrange a bond refund	1300 137 164	rentalbonds.vic.gov.au
Rental Dispute Resolution Victoria (RDRV)	If you need more help to resolve a renting dispute	1300 017 378	www.rdrv.vic.gov.au
Victorian Civil and Administrative Tribunal (VCAT)	To apply for a hearing about a renting dispute	1300 01 8228	vcat.vic.gov.au/renting
Tenants Victoria	If you need help from a support worker	03 9416 2577	tenantsvic.org.au
Victorian Aboriginal Legal Service (VALS)	If you are an Aboriginal and Torres Strait Islander person and need legal help	1800 064 865	vals.org.au
Housing Victoria (Department of Families, Fairness and Housing)	To apply for a bond loan If you have nowhere to stay	1800 825 955 (24 hours)	housing.vic.gov.au