

Renting a holiday home

Consumer facts for travellers

By renting private houses and units, holiday-makers can enjoy the comforts of home while staying at their favourite holiday destination. But short-term renters in NSW don't have the same rights or responsibilities as regular, long term tenants. So it's a good idea to find out precisely what your rights are before renting a holiday house or unit.

Who should I rent from?

Individuals are quite at liberty to rent out their holiday properties. However, if they use an agent or broker to carry out this task then those people must be licensed in NSW as a real estate agent. Dealing with an unlicensed agent or broker exposes you to unnecessary risks. Contact NSW Fair Trading on 13 32 20 or do a licence check online by visiting www.fairtrading.nsw.gov.au to find out if the people you are dealing with are licensed.

Whether renting directly from the property owner or through a licensed agent, make certain you sign a written agreement that clearly sets out the rights and responsibilities of both parties.

IMPORTANT– Make sure that an agent is licensed by calling 13 32 20 or do a licence check online by visiting www.fairtrading.nsw.gov.au

What services are provided?

Before signing a written agreement, talk to the owner or agent about anything you are unsure of. For example:

- does the owner have the right to enter the property while you are living there? If so, in what circumstances?
- is the accommodation rated according to an accommodation classifications system (a star rating) and how does it work?
- is the accommodation serviced and if so, how often?
- is there anything in the property which you cannot use (eg. garage, cupboards) or are any of the facilities (eg. bathrooms) shared?
- is the accommodation fully furnished, including cutlery, bedding and towels?
- how close are the premises to points of interest and transport?
- how will disputes be settled? Does any formal dispute resolution system exist?
- who do you call in the event of an emergency?

IMPORTANT– Make certain any agreement or contract is in writing and you get a copy.

Before making a booking

Frequently, people who are going on holidays make telephone bookings for accommodation at locations they have never visited before. When this happens, it's important to keep the following points in mind.

- When speaking to a person, ask for their name and who they represent.
- Take notes of all important points of your conversation, including dates, times and names.
- Make sure you understand all the terms and conditions. If you don't understand something, don't be afraid to ask questions.
- Ensure you receive written confirmation of everything you request. That way you can be certain you will get what you are paying for.
- Read all correspondence carefully.
- Check that the business you are dealing with is licensed. Contact NSW Fair Trading for this information on 13 32 20 or do a licence check online by visiting www.fairtrading.nsw.gov.au
- Where possible, it is a good idea to deal with people you know or who have been recommended to you.
- Don't be hesitant about reporting fraud or other misconduct to the appropriate authorities. Ask questions. It's your money.

Receipts

When making rental payments, always get a receipt. If a dispute arises, you will need a receipt as proof of

payment for the services you have received. Receipt details should include the date of payment, amount paid, period covered by the payment, what the payment was for, the owner's or agent's name, contact details and a licence number if the receipt was issued by an agent.

Property inspections

Together with the owner or agent, you should conduct an inspection of the property before moving in. During the inspection you should note any existing damage, what is contained in the property and any missing or faulty appliances. It's important that your comments are noted in writing and that you, and the owner or agent, keep a copy of the report. This will help you avoid disputes when you move out.

Remember, you will be responsible for damage to the property or its equipment, fixtures or fittings if it was caused through your negligence. You are not responsible for any damage to items that is regarded as 'fair wear and tear'.

Security deposits

You will probably be asked to provide a security deposit (or bond). It's important to get a receipt for the security deposit, as well as written information on where it will be held, who it will be paid to, how to claim it back and the responsibilities of you and the owner or agent.

Security deposits for short term holiday accommodation (ie. not more than 6 weeks) do not have to be paid to NSW Fair Trading.

Dispute resolution

If you have a dispute with an accommodation provider, try to contact the owner or manager. If you cannot settle the problem by mutual agreement, contact NSW Fair Trading on 13 32 20, or lodge your problem or complaint through the Fair Trading website.

Consumer protection for travellers

If you are a visitor to NSW you can follow the above procedure or contact the Traveller Consumer Helpline.

NSW Fair Trading has established a Traveller Consumer Helpline to provide advice and assistance to travellers who experience problems with goods and services.

If you encounter problems with the owner or agent during your stay, the accommodation is not up to agreed standards, or a dispute has arisen on whether damage is 'fair wear and tear', you may be able to get the assistance you need through the Helpline.

The Helpline can be contacted by phone on 1300 552 001 or by email at travelhelp@fairtrading.nsw.gov.au