

Unit 1: Renting

Module CSWE II

Learning Outcome C1

Demonstrate understanding of a spoken transaction for information / goods and services

Learning Outcome I1

Demonstrate understanding of a short written information text

Activity 1: Finding a place to rent

In Australia most people either rent or buy their own unit or house. To rent a home you have to enter into a contract (lease) called a Residential Tenancy Agreement. When you rent a unit or a house you enter into a lease with a landlord. The landlord can use a real estate agent to give you the lease and to look after the unit or house.

A. Match the following words to their correct meaning. The first one has been done for you:

	good condition	evicted (evict / eviction)	landlord	property (properties)
1.	unit / house owner		<i>landlord</i>	
2.	unit or house which can be rented			
3.	neat, clean, in good order			
4.	ordered (told) to leave a rented unit or house			

Check your answers at the end of the Unit.

B. Do you think these statements are true or false? Tell a partner what you think. Discuss the information with your classmates.

- Finding a unit / house to rent is easy. There are many properties to choose from.
 True
 False
- A landlord will rent his / her unit or house to the first person to apply for it.
 True
 False
- Landlords usually keep their units / houses in good condition. They make sure the unit or house is clean and that nothing is broken or damaged.
 True
 False
- If you have paid your rent on time, you cannot get evicted.
 True
 False
- Moving to a new rented home is cheap and easy. If you get evicted it's not a big problem.
 True
 False
- If you break or damage anything in the unit or house, the landlord must fix it.
 True
 False

Check your answers at the end of the Unit.



What you should know

NSW Anti-Discrimination Board

Sometimes people have a lot of problems trying to find a unit or a house to rent – this can be for many reasons. Every time they apply, their application is rejected (not accepted) and they may feel that they have been discriminated against for whatever reason.

Discrimination means treating someone unfairly because they belong to a particular group of people or have a particular characteristic.

In NSW it is illegal for real estate agents to discriminate on the grounds of race (colour, nationality or ethno-religion), sex, marital status, pregnancy, disability, age and sexuality, even if the real estate agent is following the instructions of the landlord.

If you think you have been discriminated against when looking to rent a residential property, contact the NSW Anti-Discrimination Board on **1800 670 812**.

Activity 2: The lease

A. Match the following words to their correct meaning. The first one has been done for you:

	real estate agent	tenant	terms and conditions
1.	person who rents a unit or a house	<i>tenant</i>	
2.	information in a lease about what you must and must not do		
3.	business where you go to find a unit or house to rent; business which helps the landlord manage their property		

Check your answers at the end of the Unit.



What you should know

The Lease



A lease is a contract between a tenant and a landlord. It is very important for you to give correct information on the lease.

You can ask the real estate agent / landlord to explain the terms and conditions of the lease before you sign it. You usually pay about \$15 for the preparation of the lease. If you need help understanding the lease, ask someone who speaks your language to help you.

You can take the lease to a Migrant Resource Centre or a tenancy advisory service funded by the Office of Fair Trading and ask them to explain it to you.

You can find a list of these organisations on the Office of Fair Trading's website at **www.fairtrading.nsw.gov.au**

B. Before you sign a lease make sure you ask these questions. With a partner, practise asking these questions.

Question	Information
How long is the lease?	A lease is usually for either 6 months or 12 months. At the end of the fixed term contract period the lease becomes a continuing lease unless you (or the landlord) end it or a new lease is signed. Then it becomes a new fixed term lease.
How much is the rent?	Before you move in, you and the landlord should agree on how much rent you will pay and how you will pay the rent. The landlord or real estate agent must always give you a receipt for your rent unless you deposit the money into a bank account. Make sure this information is in the lease.
Can the landlord put up the rent?	The landlord may put up (increase) the rent by giving at least 60 days written notice of the rent increase.
Do I pay the rent weekly, fortnightly or monthly?	You usually pay rent in advance (before). The lease will say how often you have to pay rent and how far in advance. You usually have to pay rent weekly, fortnightly or monthly. For weekly rent of \$300 or less, the rent may be up to 2 weeks in advance. For weekly rent over \$300, the rent may be up to 1 month in advance.
How should I pay the rent?	<p>There are different ways to pay rent:</p> <ul style="list-style-type: none"> • some landlords want you to pay the rent directly into their bank account • sometimes you pay the rent to the real estate agent • sometimes you can use a rent card* to pay the rent. <p>Find out how you should pay the rent.</p> <p>If you fall behind with your rent (rent arrears) you can be given notice to vacate the unit or house.</p> <p><i>* Some real estate agents use a rent card system. Tenants use a special card to pay their rent. However, when it is in the lease that you can pay rent another way (for example in cash to the real estate agent), the real estate agent cannot change this without your permission.</i></p>



What you should know

Rent increases

If a landlord wants to increase the rent:

- the landlord needs to wait till after the lease has ended
- the landlord must give you at least 60 days notice of the rent increase in writing
- the notice must show the amount and the date from which the increase will start.

If you think a rent increase is too high you can talk to or write a letter to the landlord or the real estate agent. Explain why you think the rent increase is too high. The landlord can agree to a smaller increase or can decide not to increase the rent. If the landlord decides on a smaller increase, the landlord must put it in writing. You will pay the lower increase on the same date of the original increase.

The Office of Fair Trading gives tenants free information on tenancy rights and responsibilities. If you need to find out more about a tenancy problem you can contact the Office of Fair Trading on **13 32 20** or visit your nearest Fair Trading Centre.

For language assistance you can contact the Translating and Interpreting Services (TIS) on **13 14 50**.

Tenancy advisory services funded by the Office of Fair Trading give free advice on tenants rights. A list of these organisations can be found on the Office of Fair Trading website at **www.fairtrading.nsw.gov.au**

The *Renting guide*

You should be given a copy of the *Renting guide* from the real estate agent or landlord. The *Renting guide* is available in many languages.

Activity 3: The condition report and the bond

A. Match the following words to their correct meaning. The first one has been done for you:

bond	condition report	heating
plumbing	urgent repairs	

1.	pipes that carry water in a building	<i>plumbing</i>
2.	something which needs to be fixed or repaired immediately	
3.	money paid by a tenant as security against loss for the landlord	
4.	a document for the real estate agent / landlord where you write down anything which is wrong with the unit or house	
5.	things that warm the unit or house eg. heaters or radiators	

Check your answers at the end of the Unit.



What you should know

Condition report



Before you move in to a rented unit or house, you will need to check if anything is dirty, broken or missing. It is very important for you to carefully check things like the oven, plumbing, toilet, lights, heating and door and window locks etc. You use the condition report to write down any problems with the unit or house. The landlord should see to any urgent repairs before you move in. When you move out of

the property, the real estate agent (or landlord) will check the property against the condition report. You may have to pay for anything which is dirty, broken or damaged if you didn't record it on the condition report before you moved in. The landlord may make a claim for the cost of the cleaning and repairs to be taken from the bond.

The bond

When a tenant signs a lease, he / she may be asked to pay a bond. This bond money is security for the landlord. When a lease ends, if a tenant owes money for rent or has damaged the property, the landlord can make a claim for the cost of the repairs and any rent owing to be taken from the bond. The amount of the bond must be written in the lease.

B. Read Fatima's story.

A few years ago I rented a unit in Auburn. When I moved out the real estate agent inspected the unit before I handed back the key. When I asked about getting my bond back, the agent told me that I would not be getting my bond money back. The real estate agent said I had damaged the kitchen counter

top and that they would have to use the bond to pay for the cost of replacing the counter top. I didn't agree with this. There were just a few scratches on the counter. It was nothing big. It was too much money and the damage was from normal wear and tear over the four years I had rented the unit.



What do you think Fatima should do? Circle A, B, C or D.

A

Fatima should put in a new kitchen counter and then try to get her bond back.

B

Fatima should first write a letter to the real estate agent or landlord explaining that the damage to the counter is through normal wear and tear. She should ask to get her bond back.

C

Fatima should immediately complain to the Office of Fair Trading.

D

Fatima should accept that she will not get her bond money back this time. She should take better care of the property next time.



What you should know

The bond

The maximum bond you can be asked to pay is:

- 4 weeks rent for an unfurnished unit or house
- 6 weeks rent for a fully furnished unit or house where the rent is less than \$250
- Unlimited, if the rent is for a fully furnished unit or house where the rent is \$250 a week or more.



Your landlord must give the bond money to the Office of Fair Trading within 7 days. The Office of Fair Trading will send you a receipt for the bond. (Contact them if you don't get a receipt.) Keep the receipt safe.

You will need it to get your bond money back. Before you move out you must clean the property (inside and outside) and make sure there is no damage or rent owing. If there are no problems with the property the landlord should sign a 'Claim for Refund of Bond Money' form to return your bond.

Help with paying the bond

Some people can get help with paying the bond through the Department of Housing's Rent Start Program. Call the NSW Department of Housing on **1300 468 746**.

Bond dispute with a landlord

If you have a dispute with a landlord over getting the bond back you can call the:

- Office of Fair Trading on **13 32 20** or
- Tenants Hotline on **1800 251 101**

Activity 4: Contacting the Office of Fair Trading



- Listen to Fatima's call to the Office of Fair Trading. What is she calling about? Discuss the reason for Fatima's call with your classmates.**
- Study this language note.**

Language note



When you call the Office of Fair Trading for advice on a tenancy problem you will talk to an Information Officer. You will need to:

1. **Greet the Information Officer.** The Information Officer will give you her / his name. It's okay for you to greet the Information Officer by first name.
2. **Say why you are calling .** Give the reason for your call very briefly at first so the Information Officer knows why you're calling.
3. **Give more detailed information about the problem.** This can include:
 - background information (what happened leading up to the problem)
 - timelines (when the problem started)
 - what you have done to try to solve the problem
 - what the other person has done
 - what the situation is at the moment
4. **Answer the Information Officer's questions or clarify information**

The Information Officer might ask you to give a bit more information on something you said or did or you might want to ask some questions about what you need to do next.
5. **Close the call.** Thank the Information Officer for their help and end the call.

C. Listen to Fatima's call again. The table below shows only the parts of the call that match the information in the Language note. (The table does not show the whole call.) Try to complete the sentences as you listen.

1. Greet the Information Officer	Fatima: 'Hello (1.) _____. My name's Fatima.'
2. Say why you are calling	Fatima: 'I'd like to get advice on a (2.) _____ matter. I'm having a (3.) _____ getting my (4.) _____ back and I need some advice.'
3. Give more detailed information about the problem	Fatima: 'Yes. I've been a (5.) _____ in a unit for almost (6.) _____ years. I gave (7.) _____ last month to leave. When the real estate agent, Michael, (8.) _____ the unit, he was worried about the kitchen counter top being damaged. He said there was nothing on the (9.) _____ report about the scratches on the counter top. Now the (10.) _____ refuses to give me back my bond. He says I've (11.) _____ the counter and that he'll keep the bond to pay for the cost of (12.) _____ it. I don't think this is (13.) _____. I lived in the unit for a long time – as I said – about (14.) _____ years and the counter top is very old. It's just normal (15.) _____ and (16.) _____.'
4. Answer the Information Officer's questions or clarify information	Anne: Okay Fatima. Can I ask you, have you tried explaining this to the real estate agent to resolve the problem? Fatima: (17.) _____, I've tried to (18.) _____ him a few times – three or four times – but he doesn't (19.) _____ any of my calls.
5. Close the call	Fatima: Thank you very much. I'll (20.) _____ that now. Anne: You're welcome. Thank you for your call.

Check your answers at the end of the Unit.

D. Practise the whole dialogue with a partner. (The transcript for the whole call is at the end of the Unit.)

E. With a partner, write and practise a short dialogue using this problem:

You sign a 6 month lease. You move into the unit and three months later you get a letter from the real estate agent saying your rent is going up by \$60 next month. You feel this is a breach of your lease. You try calling the real estate agent several times but they never return your calls. Call the Office of Fair Trading and complain.

Activity 5: Tenant and landlord responsibilities

While you rent a unit or a house, you and the landlord have certain responsibilities.

A. Discuss these responsibilities with a classmate.

- What are the landlord's responsibilities?
- What are your (tenant's) responsibilities?

B. Use the pictures to help you complete the table below. Decide which pictures show the landlord's responsibilities and which pictures show the tenant's responsibilities. Write the letters (A, B, C etc.) in the table below. The first one has been done for you.



A. Fix urgent problems



B. Do not add or remove any fixtures or fittings without permission



C. Report any problems with the property



D. Fit smoke alarms



E. Respect neighbours



F. Keep things clean inside



G. Pay full rent on time each month



H. Prepare property for new tenants



I. Keep things clean outside

Landlord's responsibilities	Tenant's responsibilities
1. A	1.
2.	2.
3.	3.
	4.
	5.
	6.

Check your answers at the end of the Unit.

Activity 6: Who is responsible?

In each of these stories decide who is responsible for the repairs. Tick (✓) your answers.



1. After a very bad storm the roof in your house starts to leak. You have to use buckets to stop the water from falling on the carpet.

- Tenant
 Landlord



3. One afternoon your 10-year-old son is playing with a soccer ball in his bedroom. Suddenly you hear the ball smash through the glass of his bedroom window.

- Tenant
 Landlord



4. You don't have an ironing board so you iron your clothes on a towel on the carpet in the living room. One morning while you're ironing, you take a phone call in the bedroom. When you come back to the living room you see that the iron has fallen over. It has burnt a big black mark into the carpet.

- Tenant
 Landlord



2. The bathroom in your unit has a very small window and the exhaust (or extractor) fan isn't working. There is mould growing on the tiles around the bathtub.

- Tenant
 Landlord



5. One evening after work you get home and switch on the lights. You discover they aren't working. You check all the lights and the electrical mains switch. You realise you cannot fix this electrical problem yourself.

- Tenant
 Landlord

Check your answers at the end of the Unit.

Activity 7: A tenant's rights

While you are living in a rented house or unit, you have certain rights.

A. Read Saleh's story.

I've been renting this unit for over a year. It's an old unit. I've had a few problems with things breaking down. Three weeks ago I called the real estate agent to report a problem with the stove. Only two of the four hotplates are working.

The real estate agent told me that the landlord will not fix it because it's the third time there's been a problem with the stove. It's not my fault it keeps breaking down. It's an old stove. I don't know what to do.



What do you think Saleh should do? **Circle A, B, C or D.**

A

Saleh should pay for an electrician to fix the stove.

B

Saleh should go on a rent strike. He should not pay next month's rent. He should tell the agent he will not pay the rent until the landlord gets the stove fixed.

C

Saleh should write to the real estate agent and ask for the stove to be fixed. If he has no response or he has ongoing problems, he should call the Office of Fair Trading for help.

D

Saleh should buy a new stove. He should take the cost of the new stove from next month's rent.

Check your answer at the end of the Unit.

B. Read the story below.

Saleh was not sure what to do about the landlord not wanting to repair the stove. He might not know his rights as a tenant. For example, he might not know that he can demand that the landlord fix the stove. He could also talk to the real estate agent to ask if he can pay for the stove to be fixed and then the landlord can pay him back later. It is the landlord's responsibility to fix anything on the property that the tenant did not damage or break. A tenant has a right to make sure the landlord meets his or her responsibilities written in the lease.

In groups, make a list of tenant's rights. Use the ideas below to help you.

- **bond**
- **noisy neighbours**
- **smoke alarms**
- **ending the tenancy**
- **rent increase**
- **repairs**

Compare your list to the list in the answers at the end of the Unit. Discuss these as a class.



What you should know

Sometimes, when there is a serious problem between a landlord and a tenant that is very difficult to solve (eg. a rent increase, a dispute over repairs etc.) the problem might have to go to the Consumer, Trader and Tenancy Tribunal (CTTT). The CTTT uses a 'conciliation' process to solve tenancy



problems. It is a semi-formal but legal process where you represent yourself. The landlord and the tenant have to come together to talk about the problem. There is someone who listens to both sides of the problem. This person tries to help the landlord and the tenant to solve the problem together. There is an application form online at www.cttt.nsw.gov.au or you can contact the CTTT on **1300 135 399**. Fair Trading staff can answer your questions about using the CTTT on **13 32 20**.

Activity 8: Ending the lease

A. Read this information. Then read about Joseph and decide what he should do. Discuss the answer as a class.

Before the lease ends

If the tenant wants to leave before a fixed term lease ends, he /she must give at least 14 days written notice of termination, which may be given to the landlord through the real estate agent. The tenant may have to keep paying the rent until a new tenant is found or the lease has run out. If the tenant can find a new (replacement) tenant as soon as possible, this can help reduce the costs.

In a continuing lease

(when a fixed term lease ends but the tenant keeps renting the property, the lease becomes a continuing lease)

Once the fixed term has ended:

- The tenant must give the landlord 21 days written notice to end the lease.
- The landlord must give the tenant 60 days written notice to end the lease.

If there is a problem

The landlord or the tenant can give notice of termination at any time if there is a serious breach of the lease. For example, a tenant who is more than 14 days late with the rent is in serious breach of the lease.

Read the story below.

When Joseph rented his unit he signed a 6 month lease. The lease is going to end next month. Joseph has changed jobs and wants to rent a unit closer to work.

He wants to end the lease on this unit.

What should he do?

Check your answer at the end of the Unit.



B. Listen to Meng's story. Fill in these missing words as you listen.

full	Eviction	vacate	arrears	owe
8	evict	14	on time	urgently

I've been renting this unit for the last (1.) _____ months. I've always managed to pay my rent (2.) _____ but last month I had a few problems. I needed to send some money to my mother in China. She is old and sick and needed the money (3.) _____. I didn't manage to pay the (4.) _____ rent. I only managed to pay half of it so I still (5.) _____ \$450 for the month.

I thought I'd work a few extra hours at the supermarket to make some extra money to pay the rest of the rent. But yesterday I got a letter from the real estate agent. I got such a shock. The first thing I read when I opened the letter were the words (6.)' _____ Notice' written in big letters at the top. It says I have 14 days to (7.) _____ the unit because my rent is more than (8.) _____ days in (9.) _____. I can't believe they want to (10.) _____ me. What am I going to do? Where am I going to go? I'm very stressed. I don't know what to do.

Check your answers at the end of the Unit.

C. Tick (✓) your answers.

- | | |
|---|--|
| <p>1. This is the second time Meng has been late with her rent.</p> <p><input type="checkbox"/> True</p> <p><input type="checkbox"/> False</p> | <p>4. The letter says Meng must leave the unit immediately.</p> <p><input type="checkbox"/> True</p> <p><input type="checkbox"/> False</p> |
| <p>2. Do you think Meng knew she could be evicted for being late with her rent?</p> <p><input type="checkbox"/> I think she knew</p> <p><input type="checkbox"/> I don't think she knew</p> | <p>5. Meng should contact the real estate agent immediately. She should explain her situation and make arrangements to pay the money she owes as soon as possible.</p> <p><input type="checkbox"/> Yes, it's a good idea</p> <p><input type="checkbox"/> No, it's too late</p> |
| <p>3. Meng has been evicted from her unit because she has been behind with her rent for more than 14 days.</p> <p><input type="checkbox"/> True</p> <p><input type="checkbox"/> False</p> | <p>6. It is possible that Meng will have problems finding another unit to rent because she has been evicted from this one.</p> <p><input type="checkbox"/> True</p> <p><input type="checkbox"/> False</p> |

Check your answers at the end of the Unit.

Discuss the answers as a class.



What you should know

Tenant databases

If there have been serious problems with a tenant, the tenant database tells real estate agents and landlords about the person's tenancy history.

Many real estate agents will not rent a property to someone listed on a tenant database. You can not be listed on a tenant database for small problems. If you think you've been unfairly listed contact the Office of Fair Trading on **13 32 20**.

Project

Share a personal experience of a problem you have had while renting a unit or a house.

- Where were you renting?
- What was the problem?
- Did you manage to resolve the problem yourself? If so, how did you resolve it?
- What did you learn from this experience?
- What would you do differently if you experienced this problem again?
- What advice would you give to someone who finds themselves in this situation?

Share your stories with your teacher and your classmates.

Extension

Teachers may use the following ideas to extend learners' understanding of the topics covered in the Unit:

- Listen to Joanne's story on the *Our Story DVD*. Discuss the tenancy problem she had and why she contacted the Office of Fair Trading.
- Watch the Fairfield Migrant resource Centre DVD called *Tenancy Check (Rights and Responsibilities of Tenants in NSW)*.
- Practise filling in examples of Condition Reports.
- Practise filling in rental application forms.
- Find samples of useful tenant's letters on the Tenants Union of NSW website (www.tenants.org.au). Study one example and then write your own.

Unit answers

Activity 1A

1.	<i>unit / house owner</i>	<i>landlord</i>
2.	<i>unit or house which can be rented</i>	<i>property</i>
3.	<i>neat, clean, in good order</i>	<i>good condition</i>
4.	<i>ordered (told) to leave a rented unit or house</i>	<i>evicted</i>

Activity 1B

	Statements	True or false?	Things to think about
1.	<i>Finding a unit / house to rent is easy. There are many properties to choose from.</i>	<i>False</i>	<i>This depends on where you're trying to rent. When there are not enough houses and units to rent, rents go up and rental properties can be very hard to find.</i>
2.	<i>A landlord will rent his / her unit or house to the first person to apply for it.</i>	<i>False</i>	<i>Landlords check each application carefully before choosing a tenant. They check the applicant's credit history to make sure they can afford the rent, and they check the applicant's references. For this reason it is important to have a good tenancy history. It is also very important to tell the truth on a rental application. If the landlord or real estate agent finds out that you lied on the application you will not get the unit or house. If you are already living in the property, you could be evicted.</i>
3.	<i>Landlords usually keep their units / houses in good condition. They make sure the unit or house is clean and that nothing is broken or damaged.</i>	<i>True</i>	<i>The property is an investment so the landlord wants it to keep its value. Unfortunately, some landlords may not always be responsible. Some landlords may take your money without keeping up their side of the agreement. If you are having problems with your landlord contact the Office of Fair Trading for help and advice.</i>
4.	<i>If you have paid your rent on time, you can not get evicted.</i>	<i>False</i>	<i>If a tenant does not keep up their side of the agreement a landlord can evict the tenant for breaching the agreement and may be listed on a tenant database. Getting evicted gives tenants a bad record. People who get evicted will find it very difficult to rent again. No landlord or agent wants to rent their property to someone with a poor tenancy history.</i>

5.	<i>Moving to a new rented home is cheap and easy. If you get evicted it's not a big problem.</i>	<i>False</i>	<i>Moving can be expensive. You have to pay a new bond and rent on a new place, the costs of a removalist if you cannot move your furniture yourself, telephone reconnection costs etc. Moving is also very stressful. It takes a lot of time and energy (and often a lot of frustration) to find a new place, to pack and to move. It can also impact on how you get to work and school etc. It is very important to build up a good tenancy history. If you get evicted you will get a poor tenancy history which makes it very difficult to find a home to rent in future.</i>
6.	<i>If you break or damage anything in the unit or house, the landlord must fix it.</i>	<i>False</i>	<i>A landlord is responsible for fixing things which have broken or stopped working because they are old or have been used a lot. If a tenant has been careless and has mistreated things then it is not the landlord's responsibility to fix it. If you caused the damage through your own negligence, then you will have to pay for the repairs. If you do not repair the damages the landlord may claim against your bond when you leave to cover the costs of the repairs. This will also mean you get a poor tenancy history.</i>

Activity 2A

<i>person who rents a unit or a house</i>	<i>tenant</i>
<i>information in a lease about what you must and must not do</i>	<i>terms and conditions</i>
<i>business where you go to find a unit or house to rent; business which helps the landlord manage their property</i>	<i>real estate agent</i>

Activity 3A

<i>pipes that carry water in a building</i>	<i>plumbing</i>
<i>something which needs to be fixed immediately</i>	<i>urgent repairs</i>
<i>money paid by a tenant as security against loss for the landlord</i>	<i>bond</i>
<i>a document for the real estate agent / landlord where you write down anything which is wrong with the unit or house</i>	<i>condition report</i>
<i>things that warm the unit or house eg. heaters or radiators</i>	<i>heating</i>

Activity 3B

- A. (X) If Fatima feels the situation is unfair she should try to talk to the real estate agent first. If she cannot solve the problem with the landlord then she could contact the Office of Fair Trading for help, as a last step.
- B. (✓) This is the first step. Fatima should first try to talk to the real estate agent or the landlord herself. If she cannot solve the problem herself then she could contact the Office of Fair Trading for help.
- C. (X) This is possible but should not be the first step. She should first try to solve the problem with the real estate agent or landlord herself by talking to them or writing a letter to explain the problem. If the landlord still refuses to accept that the damage to the counter was from normal wear and tear, she should get help from the Office of Fair Trading on **13 32 20** or call the Tenants Hotline on **1800 251 101**.
- D. (X) If Fatima feels the situation is unfair she has a right to complain. The Office of Fair Trading can give her advice.

Activity 4C

1. Greet the Information Officer	Fatima: ‘Hello (1.) Anne . My name’s Fatima.
2. Say why you are calling	Fatima: ‘I’d like to get advice on a (2.) tenancy matter. I’m having a (3.) problem getting my (4.) bond back and I need some advice.’
3. Give more detailed information about the problem	Fatima: ‘Yes. I’ve been a (5.) tenant in a unit for almost (6.) four years . I gave (7.) notice last month to leave. When the real estate agent, Michael, (8.) inspected the unit, he was worried about the kitchen counter top being damaged. He said there was nothing on the (9.) condition report about the scratches on the counter top. Now the (10.) landlord refuses to give me back my bond. He says I’ve (11.) damaged the counter and that he’ll keep the bond to pay for the cost of (12.) replacing it. I don’t think this is (13.) fair . I lived in the unit for a long time – as I said – about (14.) four years and the counter top is very old. It’s just normal (15.) wear and (16.) tear .’
4. Answer the Information Officer’s questions or clarify information	Anne: Okay Fatima. Can I ask you, have you tried explaining this to the real estate agent to resolve the problem? Fatima: (17.) No , I’ve tried to (18.) contact him a few times – three or four times – but he doesn’t (19.) return any of my calls.
5. Close the call	Fatima: Thank you very much. I’ll (20.) try that now. Anne: You’re welcome. Thank you for your call.

Activity 5B

Landlord's responsibilities

<p>1. A. Fix urgent problems</p> <p><i>If anything breaks or goes wrong (from normal wear and tear) it is the landlord's responsibility to have it fixed. Anything which is unsafe must be fixed urgently. Examples of urgent repairs are: a gas leak, a blocked or broken toilet, a leaking roof, a burst water service, flooding, a dangerous electrical fault, serious storm or fire damage, breakdown of gas, electricity or water supply, failure of essential services like hot water, cooking, heating or laundering, or any damage that makes the property unsafe.</i></p>	<p>2. D. Fit smoke alarms</p> <p><i>The landlord must make sure smoke alarms (detectors) are fitted in the property. Smoke alarms save lives! The tenant is responsible for replacing the battery if needed.</i></p>	<p>3. H. Prepare property for new tenants</p> <p><i>The landlord must try to fix anything urgent reported on the Condition Report and should make sure the property is clean before a new tenant moves in.</i></p>
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Tenant's responsibilities

<p>1. B. Not add or remove any fixtures or fittings without permission</p> <p><i>A tenant must not do any renovations, alterations or additions without the landlord's written permission. This includes things like removing fittings or fixtures such as cupboards, walls, carpets or other flooring, tiles, light fittings, doors, kitchen and bathroom fittings etc.</i></p>	<p>2. C. Report any problems with the property</p> <p><i>A tenant must tell the real estate agent about any problem with the property as soon as it happens.</i></p>	<p>3. E. Respect neighbours</p> <p><i>Tenants must respect their neighbours and should not make a loud noise eg. play loud music, shout, or use noisy machinery or equipment at certain times, especially late at night or early in the morning.</i></p>
<p>4. F. Keep things clean inside</p> <p><i>A tenant must keep the property inside in good condition. This means they must keep it in the same condition it was in at the start of the lease. Reasonable or fair wear and tear (such as to the carpet) is okay but the tenant must not deliberately or carelessly damage the property. Before moving out a tenant must clean the inside and the outside.</i></p>	<p>5. G. Pay full rent on time when it is due</p> <p><i>It is important to pay rent in full as agreed so that you can build up a good tenancy history. If you don't pay your rent you could be evicted. If the landlord has not fixed something you reported, you must still pay the rent.</i></p>	<p>6. I. Keep things clean outside</p> <p><i>A tenant must keep the property outside in good condition too by mowing the lawn, trimming hedges, sweeping and cleaning paved areas and throwing dirt out in the correct bins. Sometimes tenants can negotiate certain things with the landlord eg. the mowing of the lawn. Before moving out a tenant must clean the inside and the outside.</i></p>

Activity 6

1. Landlord
2. Landlord
3. Tenant
4. Tenant
5. Landlord

Activity 7A

- A. (X) Saleh did not break the stove. It is the landlord's responsibility to have it fixed. If Saleh pays for the repairs himself, he might not be able to get the money back from the landlord unless he has made previous arrangements.
- B. (X) No! This is the wrong thing to do. It is the tenant's responsibility to always keep up to date with the rent, even if the landlord is not meeting his or her responsibilities. If Saleh stops paying the rent he is breaking the lease and he could be evicted.
- C. (✓) Yes! Saleh should first talk to the real estate agent again and he should write a letter to the real estate agent. (For sample letters visit www.tenants.org.au). If the landlord still refuses to have the stove fixed, he can contact the Office of Fair Trading for help.
- D. (X) It is the landlord's responsibility to have the stove fixed. If Saleh pays only part of the rent so he has money to buy a new stove, he could be evicted for rent arrears.

Activity 7B

As a tenant you have the right to:

- a copy of the lease
- a copy of the completed condition report
- rent a place which is clean and in reasonably good condition
- rent receipts (unless you pay rent into a special bank account)
- negotiate any rent increase with the landlord
- not to accept a rent increase during the lease period (unless it says so in your lease)
- 60 days written notice of a rent increase
- quiet enjoyment and use of the property
- reasonable locks and security
- reasonable repairs and maintenance
- be paid back for any urgent repairs paid by you (up to \$1,000)
- get help from the Office of Fair Trading and Consumer, Trader and Tenancy Tribunal (CTTT) if the landlord has broken the agreement
- written notice of termination (ending the lease)
- be told of any change of name and address of your landlord or real estate agent.

Activity 8A

Joseph must write a letter to the real estate agent to say he wants to end the lease. He can find examples of a notice of termination on the Tenants Union of NSW website at www.tenants.org.au

Activity 8B

I've been renting this unit for the last (1.) **8** months. I've always managed to pay my rent (2.) **on time** but last month I had a few problems. I needed to send some money to my mother in China. She is old and sick and needed the money (3.) **urgently**. I didn't manage to pay the (4.) **full** rent. I only managed to pay half of it so I still (5.) **owe** \$450 for the month. I thought I'd work a few extra hours at the supermarket to make some extra money to pay the rest of the rent. But yesterday I got a letter from the real estate agent. I got such a shock. The first thing I read when I opened the letter were the words (6.) **Eviction** Notice written in big letters at the top. It says I have 14 days to (7.) **vacate** the unit because my rent is more than (8.) **14** days in (9.) **arrears**. I can't believe they want to (10.) **evict** me. What am I going to do? Where am I going to go? I'm very stressed. I don't know what to do.

Activity 8C

- This is the second time Meng has been late with her rent.

(X) False: Meng says 'I've always managed to pay my rent on time – which suggests this is the first time she's had problems paying her rent.'
- Do you think Meng knew she could be evicted for being late with her rent?

(X) I don't think she knew: Meng says 'I got such a shock and 'I can't believe they want to evict me. This suggests that she did not know she could be evicted for rent arrears.'
- Meng has been evicted from her unit because she has been behind with her rent for more than 14 days.

(✓) True: The letter of eviction says her rent is more than 14 days in arrears. Meng is in breach of the lease. The landlord has the right to evict her for this. However, if a tenant has not paid the rent, the real estate agent will usually ask him /her to pay the rent immediately. If the tenant keeps paying the rent late, he or she will usually get a warning letter from the real estate agent. A tenant probably wouldn't get evicted the first time his /her rent is late.
- The letter says Meng must leave the unit immediately.

(X) False: The letter of eviction says she has 14 days to leave the unit.
- Meng should contact the real estate agent immediately. She should explain her situation and make arrangements to pay the money she owes as soon as possible.

(✓) Yes, it's a good idea: It is always a good idea to talk to the real estate agent if you have a problem paying your rent.
- It is possible that Meng will have problems finding another unit to rent because she has been evicted from this one.

(✓) True: When someone gets evicted from a property the real estate agent can list that tenant's name on a tenant database. The tenant database gives other agents information about a tenant's tenancy history. This includes information about rent arrears and eviction orders.

Transcripts

Activity 4 Contacting the Office of Fair Trading

When you ring **13 32 20** you will hear a recorded voice welcoming you to the Office of Fair Trading. You will be asked to choose the option that relates to your enquiry. You need to press 2 for rental, bond, strata and tenancy enquiries. After you have pressed 2, you will automatically be transferred to the tenancy queue where there are 4 more options to choose from. For residential bond enquiries you will need to press 2 again.

This is what the recording sounds like:

Welcome to the New South Wales Office of Fair Trading. To speak with an Information Officer please select from one of the following:

For all REVS enquiries press 1.

For all rental, bond, strata and tenancy enquiries press 2.

If your enquiry relate to which licenses are required when starting a business, or business registration, press 3.

For all home building enquiries press 4.

For all other general Fair Trading enquiries press 5.

Fair Trading services can also be accessed 24 hours a day, 7 days a week at **www.fairtrading.nsw.gov.au**

Press 2

For all retail tenancy bond enquiries please press 1.

For all residential rental bond enquiries press 2.

For all strata and community schemes enquiries press 3.

For all tenancy and renting enquiries including residential parks please press 4.

Press 2

An Information Officer will take your call.

Anne: Welcome to Fair Trading. This is Anne.

Fatima: Hello Anne. My name's Fatima. I'd like to get advice on a tenancy matter. I'm having a problem getting my bond back and I need some advice.

Anne: Sure. Can you tell me exactly what the problem is?

Fatima: Yes. I've been a tenant in a unit for almost four years. I gave notice last month to leave. When the real estate agent, Michael, inspected the unit, he was worried about the kitchen counter top being damaged. He said there was nothing on the condition report about the scratches on the counter top. Now the landlord refuses to give me back my bond. He says I've damaged the counter and that he'll keep the bond to pay for the cost of replacing it. I don't think this is fair. I lived in the unit for a long time – as I said – about four years and the counter top is very old. It's just normal wear and tear.

Anne: Okay Fatima. Can I ask you, have you tried explaining this to the real estate agent to resolve the problem?

Fatima: No, I've tried to contact him a few times – three or four times – but he doesn't return any of my calls.

Anne: I see. I would advise you to put in an official complaint with Fair Trading. In this way we can see what we can do to help you. Would you like to do that?

Fatima: Yes, I would. Do I need to fill in a form?

Anne: Yes, you do. You can use the online form on our website or we can mail one out to you if you prefer. It is also important that you provide any evidence to support your complain such as a photograph of the kitchen counter and any documents that relate to this matter.

Fatima: I can take a couple of photos and I can go online.

Anne: That's great. The website is **www.fairtrading.nsw.gov.au**. You can fill in a complaint form online. Once you lodge your complaint a Fair Trading Officer will be assigned to your case and will contact you.

Fatima: Thank you very much. I'll try that now.

Anne: You're welcome. Thank you for your call.

Activity 8: Ending the lease

Meng's story

I've been renting this unit for the last eight months. I've always managed to pay my rent on time but last month I had a few problems. I needed to send some money to my mother in China. She is old and sick and needed the money urgently. I didn't manage to pay the full rent. I only managed to pay half of it so I still owe \$450 for the month. I thought I'd work a few extra hours at the supermarket to make some extra money to pay the rest of the rent. But yesterday I got a letter from the real estate agent. I got such a shock. The first thing I read when I opened the letter were the words 'Eviction Notice' written in big letters at the top. It says I have 14 days to vacate the unit because my rent is more than 14 days in arrears. I can't believe they want to evict me. What am I going to do? Where am I going to go? I'm very stressed. I don't know what to do.

