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## Topic 8 – Paying rent and falling behind

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As a tenant, paying rent on time is important. You agreed to do this when you signed the lease.

If the rent is late you are breaking the terms of your lease and you are behind in your rent.

You may have problems paying your rent, especially if your income changes or you become ill.

Suddenly you miss your rent which can quickly become a big problem.

If you fall behind with your rent and cannot pay the overdue amount, do not ignore it. Talk to your agent or landlord immediately. Try to negotiate a repayment plan. This is a plan to pay all the money you owe in instalments, over time.

You will need to pay this instalment money in addition to your normal rent.

You and the landlord must both agree on the plan - about how much money and when to pay it. If you both agree you should write this down and both sign.

### **Can I be asked to leave?**

If your rent is more than 14 days behind, the landlord can give you a *Termination Notice* to end your tenancy.

The notice will say you have 14 days to move out of the property.

### **What happens if you don't move out of the property?**

The landlord can apply to the NSW Civil and Administrative Tribunal (NCAT) to end your tenancy if you don't move out after 14 days notice.

They cannot force you to leave the property without an order from the Tribunal.

### **About the Tribunal hearing**

First, you will get a letter from the Tribunal telling you to attend a hearing.

It is important that you attend the hearing to tell your story and present your evidence. Tell the Tribunal if you need an interpreter. The interpreter is free.

At the hearing, the Tribunal will try and help you and the landlord to agree on a repayment plan. If you and the landlord cannot agree, the Tribunal will decide and make an order.

An order is legal direction for a person to do something.

To find out about the Tribunal's role watch their [videos](#) or visit their website on [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au)

### **What if you move out owing rent?**

If you move out owing more than the amount of your bond, the agent or landlord can put your name on a Tenancy Database.

If your name is listed in this database it will make it hard for you to rent another property in the future.

### **How to avoid rent arrears?**

As a tenant, you have to pay your rent on time. You can arrange for an agreed way to pay your rent so that you don't fall behind

For example, rent money can be directly taken out from your bank account on certain dates.

Make sure you have enough money in your bank account or you will pay bank charges.

Agents must provide you with the choice of 1 free method of rent payment such as Centrepay or EFTPOS in their office.

If you are having problems paying the rent contact your local Housing NSW. They may be able to help you.

You can also seek help from a financial counsellor to plan a budget to manage your financial situation.

For more information on tenants rights and responsibilities visit the Fair Trading website on [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au) or phone 13 32 20.

If you need language assistance ring 13 14 50.