

New Country – New Home

*Renting a home in Victoria:
A guide for newly arrived
migrants and refugees*



DEPARTMENT
OF JUSTICE



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This guide is also available in:
Chinese, Vietnamese, Arabic

Guiding you to your new home

This guide provides useful information on:

- getting prepared to look for a private rental property in Victoria
- applying for a property in the private rental market
- your rights and responsibilities as a tenant
- being treated fairly by a landlord or estate agent.

Rights and responsibilities

The principal law that outlines the rights and responsibilities of tenants, estate agents and landlords in Victoria is the *Residential Tenancies Act 1997 (Vic)*. Consumer Affairs Victoria administers this Act.

The principal law that outlines discrimination in accommodation in Victoria is the *Equal Opportunity Act 1995 (Vic)*. The Equal Opportunity Commission Victoria administers this Act. The Commission also provides information and advice in relation to federal discrimination law where this is relevant.

For more information on Victoria's *Equal Opportunity Act* see page 19.

If you need further help or advice

There is a range of agencies to help you to rent a property in Victoria. See pages 19 – 23 for contact details.

Good luck with finding your new home.

Preparing to find a new home

There are several important steps to take in finding a new home in the private rental market in Victoria.

Identify your housing options

Settlement officers are available at a range of government and community agencies to help newly arrived migrants and refugees work out their housing options.

Contact your local Migrant Resource Centre for advice on which agency can help you. See pages 22 – 23 for contact details.

Your settlement officer will help clarify what your housing options are, including:

- private rental
- government housing
- whether you are eligible for the Bond Loan Scheme (see the definition on page 16).

If you decide to look for a home in the private rental market, this guide is for you.

Where to look for a rental property

The most common ways to find a new home in the private rental market are:

- through an estate agent
- by looking at the 'To Let' sections in the daily or local newspapers
- by using the Internet.

Correct documentation

Before you approach a landlord or estate agent, make sure you have the correct supporting documentation.

Identity documents

You will need to have proof of identity that includes a photo and your signature. The Real Estate Institute of Victoria suggests the following photo documents can be used to confirm identity:

- a Victorian driver's licence
- a passport photo page
- a Document for travel to Australia issued by the Australian Government
- the PLA56 form issued by the Australian Government.

References

You will need at least two references. These can be:

- the name and phone number of people in Australia who know you, such as your sponsor or proposer, your teacher, employer or settlement officer
- a reference letter from your community support or settlement worker. (See example reference letter on page 14.)

If you need help in getting these documents together, ask your settlement officer.

Arranging an inspection

Once your documentation is ready and you have found a property that you would like to live in, contact the landlord or estate agent to arrange an inspection.

It is your right to inspect a rental property before you sign any Residential Tenancy Agreement (see the definition on page 17).

Dress neatly when you go to pick up the key from the landlord or estate agent. This can help ensure that the landlord or estate agent gets a good impression.

It is illegal for landlords or estate agents to charge you a fee for permitting you to inspect a property.

However, if you look at a property without the landlord or estate agent, you may be asked to leave a refundable cash security deposit. This is usually \$50. You may also be asked to leave an identity document, such as your passport or a valid Victorian driver's licence in exchange for the key.

When you return the key, the landlord or estate agent has to return the cash deposit in full and the identity document.

Tell the landlord or estate agent if you are using public transport so they know you may take a longer time to return the key.

Inspecting the property

When you inspect the inside and outside of the property, here are some things to check for:

- does the property have gas or electricity? (Gas is cheaper to use)
- do the windows shut properly?
- are there locks on the external doors?
- do the lights and oven work?
- do the taps, toilet and hot water work?
- is there a telephone line? If the property doesn't have one then you may have to pay for the line and this can be very expensive
- is the property clean?
- is the property right for you? Are there enough bedrooms, is it near shops, schools and transport?

At the same time as checking the condition of the property, you should also:

- check and ask questions about the terms of the Residential Tenancy Agreement
- seek help from your settlement officer if you do not understand something in the Tenancy Agreement.

If you like the property but it is not clean or in good repair, get advice from your settlement officer before applying.

Applying to rent a property

Filling out forms

You will be asked to fill out an application form and provide supporting documents.

Include a photocopy of your driver's licence or the photo page of your passport with your application.

Fill out and return the form as soon as possible with all the supporting documents. Landlords and estate agents like to make their decisions quickly, often within 24 hours.

You can ask for help with filling out your application form from your settlement officer or the Tenants Union of Victoria (see page 20 for contact details).

Handing in your application form

The landlord or estate agent will ask you a few questions. These questions should only relate to your ability to pay the rent and look after the property.

For more advice see the section *Being treated fairly by a landlord or estate agent* on page 11.

Understanding and signing the Residential Tenancy Agreement

If the landlord or estate agent agrees to rent you the property, you will be given the Residential Tenancy Agreement to sign.

The Residential Tenancy Agreement is a legal contract, which you must sign when you rent a property.

When you sign a legal contract, you agree to everything in the contract that shows:

- the amount of rent (see definition on page 17)
- the refundable security bond (see page 16) you are due to pay
- the length of time you can rent the property
- other conditions or rules.

Before you sign, make sure you read and understand the terms of the agreement. For example, a fixed-term tenancy agreement means you agree to occupy the property and pay rent for the length of the agreement.

It is against the law for a landlord or estate agent to ask you for:

- more than one month's rent in advance
- both a refundable security bond and a guarantee.

If the rent on your property is more than \$350 per week, a landlord or estate agent can charge more than the equivalent of one month's rent as a bond.

If you are unsure about signing, you should ask for help from your settlement officer, the Tenants Union of Victoria or Migrant Resource Centre before signing.

Never sign a blank form. Make sure the Residential Tenancy Agreement is filled in correctly before you sign.

If your landlord or estate agent adds a clause to the Residential Tenancy Agreement that takes away a right defined by *Residential Tenancies Act 1997* (Vic) then that clause will not be enforceable.

If the agreement you are offered has had clauses added or removed or changes are made to the arrangements (eg you are asked for a higher bond), you may be experiencing discrimination because you have recently arrived in Australia, or because of one of the characteristics listed on page 11.

Paying the refundable security bond

Before you move into your new home, you will usually be asked to pay one month's rent in advance and another month's rent for the refundable security bond. This is known simply as a bond.

When you pay the bond, either from your own money or from the Bond Loan Scheme, you and your landlord or estate agent must sign a Bond Lodgement Form (a definition is on page 16).

The Bond Lodgement Form is sent with the bond to the Residential Tenancies Bond Authority (RTBA).

The bond money stays with the RTBA until the end of your tenancy.

The landlord or estate agent cannot spend this money.

Applying for a Bond Loan

If you cannot afford the bond, you may be eligible for a Bond Loan from the Victorian Government Office of Housing Bond Loan Scheme.

A Bond Loan is an interest-free loan that can only be used for bonds: it cannot be used for rent in advance or moving costs.

You cannot apply for a Bond Loan until your landlord or estate agent has approved your application to rent a property.

When you apply for the Bond Loan, you must include a copy of your Tenancy Agreement or a letter from the landlord or estate agent that includes:

- their name and address
- their contact telephone number
- the names of everyone to be housed
- the address of the property
- the amount of weekly rent required
- the amount of bond required
- the start and end date of the tenancy
- the number of bedrooms in the property.

You will need to contact your local Housing Office for further information and application forms. See page 21 for contact details.

Accessing the Bond Loan Scheme

If you are eligible, you have the right as a newly arrived migrant or refugee to access the Bond Loan Scheme.

A Bond Loan from the Scheme is as secure as a cash bond.

Filling in the Condition Report

The Condition Report is an important document that sets out the condition or the state of repair that the property is in when you first start renting.

The Condition Report will be used as evidence in any dispute about cleaning, damage or missing items.

When you receive the Condition Report, the landlord or estate agent will already have filled in the landlord section.

If you disagree with what the landlord or estate agent has written, you must write your comments down. It is critical to fill in the report accurately.

When you have filled in and signed the Condition Report, return one copy to your landlord or estate agent and keep the other copy safely for your records.

Getting connected

Before you move into your new home, you have to make sure the gas, water, electricity and telephone are turned on.

You should contact these services 48 hours before you move in.

You are responsible for paying for these services.

You can get the names and telephone numbers of these services from the landlord or the estate agent or the Yellow Pages telephone directory.

Moving in

Make sure that your landlord or estate agent has given you:

- a copy of the signed Residential Tenancy Agreement
- a completed and signed Condition Report
- a copy of the Bond Lodgement Form
- a receipt for the money you pay as rent and bond
- a copy of the *Renting a Home: A guide for tenants and landlords*. This is available in languages other than English (see page 19 for details.)
- an emergency telephone number for urgent repairs.

Being treated fairly by a landlord or estate agent

In Victoria it is against the law to discriminate or treat someone unfairly when providing accommodation because of their:

- race
- age
- religious belief
- political belief
- gender
- sexual orientation/lawful sexual activity
- gender identity
- physical features
- impairment/disability
- pregnancy
- breastfeeding
- marital status
- parental or carer status
- membership of a union or professional body
- personal association with anyone who has any of these characteristics.

How can discrimination in accommodation occur?

It is against the law for a landlord or estate agent to refuse to sell or rent out a property to someone because of that person's race or religion or any of the other characteristics listed above.

Discrimination can also occur when a landlord or estate agent does any of the following because of a person's race or religion or any of the other characteristics listed on previous page:

- processes an application differently from other applications for the same property
- changes the terms upon which accommodation is offered, such as setting a higher bond
- changes the terms upon which the property has already been provided
- denies or limits access to accommodation or facilities that are available to other tenants
- uses unreasonable selection processes that disadvantage particular groups of people
- evicts the person
- refuses to extend/renew the provision of the accommodation
- refuses to allow guide dogs.

The *Residential Tenancy Act 1997* (Vic) also covers some forms of discrimination. An example is if a landlord or estate agent refuses to rent a property to tenants with children. This would not be considered discrimination if:

- the landlord lives in the same property
- the property is unsuitable or inappropriate for children
- the government has provided the property exclusively for single people or childless couples.

Have you been discriminated against?

If any of these things happen to you, then you may have been discriminated against. If you think this is the case, you can lodge a complaint with the Equal Opportunity Commission.

- the complaints service is free, confidential and neutral
- you do not have to be an Australian citizen to lodge a complaint
- ask for an interpreter if you need one
- the Commission can help you write your complaint
- call (03) 9281 7100 or 1800 134 142 to make a complaint directly to the Equal Opportunity Commission.

Sample rental application reference letter

This is a sample of a standard reference letter that could be written by a settlement service or community agency that has been dealing closely with a prospective tenant.

The letter gives relevant details of the applicant/s, including their name, origin, time in Australia and current address.

From: address of Settlement Service/Community Agency

Date:

Dear (name of landlord or estate agent)

RE: Reference for rental accommodation for (name of applicant)

The Migrant Resource Centre/Community Centre is happy to support (name of applicant/s) application for private residential tenancy.

(Name of applicant and his/her family) arrived in Australia on (date), from (last country of residence). The (applicant/family) is currently living at (local address) and has been at this address since (date).

For your information, the Migrant Resource Centre (or other agency) is a community-based agency assisting migrants and refugees who have recently arrived in Victoria.

We work closely with our clients on a range of issues including help with finding adequate accommodation. We offer advice and services throughout the process of settling into life in Victoria.

If you require more details on this applicant's ability to pay rent regularly, maintain the property and abide by the terms of the Residential Tenancy Agreement, please contact me on (telephone number) during business hours.

Yours sincerely

Name

Job title (eg Housing Support Worker)

Useful definitions

Bond – a refundable security deposit that is paid at the start of a tenancy and is repaid at the end of the tenancy unless a tenant damages the property or fails to pay the rent. The bond is usually equal to one month’s rent. The landlord or estate agent cannot spend this money because it is lodged with the Residential Tenancies Bond Authority (RTBA).

The Bond is returned to you in full at the end of the tenancy unless the landlord or estate agent makes a claim for damages that you may have caused to the property, or there is unpaid rent. This can only occur if you agree to that claim and VCAT (see definition below) orders that part of the bond be returned to the landlord.

Bond Claim Form – when a tenant moves out of the property, you sign a Bond Claim Form for the money to be released from the RTBA.

Bond Loan Scheme – an interest-free loan paid by the Victorian Government Office of Housing that covers all or part of the cost of the bond. At the end of your tenancy, your landlord or estate agent will apply to the RTBA for the bond money to be repaid to your Housing Office. If your landlord or estate agent withholds some of the bond because of unpaid rent or damages, you are still required to repay the Bond Loan to the Office of Housing.

Bond Lodgement Form – when you pay your bond, you and the landlord or estate agent must sign a Bond Lodgement Form which is sent with the bond to the RTBA.

Condition Report – a checklist of the condition of the property (inside and outside) when you move in. At the end of the tenancy, the Condition Report is used to decide whether there are any cleaning or damage costs that can be claimed against the tenant.

Discrimination – treating a person who has certain personal characteristics (including gender and religion) less favourably than a person who does not.

Estate agent – the person who acts on behalf of the landlord to rent a property to a tenant.

Landlord – the person who rents a property to a tenant.

Property – buildings such as houses, units, apartments or flats that people rent or buy.

Rent – the money that you pay to a landlord or estate agent to live in a property.

Residential Tenancy Agreement – this is also known as a lease or an agreement. An agreement is a legal contract that you sign when you rent a property that outlines the terms and conditions of the tenancy. The Residential Tenancy Agreement is usually in writing but it can also be a verbal agreement to rent a property.

Residential Tenancies Bond Authority (RTBA) – holds all residential tenancy bonds in a neutral capacity as a trustee for landlords and tenants. The RTBA can only repay bonds as agreed by the landlord and tenant or as directed by VCAT or a court.

Tenant – a person who pays rent and has a Tenancy Agreement to live in a property.

TIS – Translating and Interpreting Service, better known as TIS, is Australia’s only national translating and interpreting service.

Victorian Civil and Administrative Tribunal (VCAT) – this Tribunal is an informal and inexpensive way to resolve disputes with your landlord or estate agent.

For more information

Consumer Affairs Victoria

Consumer Affairs Victoria funds consumer and tenancy advice services across Victoria. To get the contact details of your local agency, call the Helpline number below, or if you need assistance with language call TIS on 13 14 50 and ask to be put through to Consumer Affairs Victoria.

Consumer Affairs Victoria also produces a range of information products including the 'red book' called *Renting a Home: A guide for tenants and landlords*, which is available in Greek, Italian, Chinese, Vietnamese, Arabic, Russian, Spanish and Turkish.

Consumer Affairs Victoria – Estate Agent Resolution Service

Level 2, 452 Flinders Street

Melbourne 3000

Helpline: 1300 737 030

www.consumer.vic.gov.au

Equal Opportunity Commission Victoria

Equal Opportunity Commission Victoria is an independent body set up to eliminate unlawful discrimination and promote equal opportunity in Victoria by:

- providing a fair, impartial, confidential and low-cost complaint resolution service
- informing and educating Victorians about their rights and responsibilities under equal opportunity laws.

Anyone who believes that they may have experienced discrimination is able and encouraged to contact the Commission where they can receive assistance with lodging a complaint.

Information about discrimination rights and responsibilities in 20 community languages is also available from the Commission. Call them to request some information in your own language.

Equal Opportunity Commission Victoria

3/380 Lonsdale Street

Melbourne 3000

Advice Line: (03) 9281 7100

Telephone: (03) 9281 7111

Fax: (03) 9281 7171

TOLL FREE (country callers) 1800 134 142

TTY: (03) 9281 7110

Email: eoc@vicnet.net.au

www.eoc.vic.gov.au

Tenants Union of Victoria

The Tenants Union of Victoria is an excellent source of information on all aspects of rental, tenancy rights and tenancy advice services throughout Victoria.

Multilingual information is available in Amharic, Arabic, Chinese, Croatian, Persian, Polish, Russian, Serbian, Somali, Spanish, Turkish and Vietnamese.

Tenants Union of Victoria

55 Johnston Street

Fitzroy 3065

Advice Line: (03) 9416 2577

www.tuv.org.au

Office of Housing

The Office of Housing is a division of the Department of Human Services. The Office of Housing provides a range of housing services including the Bond Loan Scheme and public rental housing to eligible residents of Victoria.

For further information on assistance provided by Office of Housing and application forms for the Bond Loan Scheme, contact your closest Housing Office listed in the White Pages A-K under Human Services, Housing Services or visit their website at www.dhs.vic.gov/housing

Residential Tenancies Bond Authority (RTBA)

The RTBA holds all residential tenancy bonds in a neutral capacity for landlords and tenants.

Residential Tenancies Bond Authority

Level 2, 452 Flinders Street, Melbourne 3000

Telephone: 1300 137 164

Translating and Interpreting Service (TIS)

Translating and Interpreting Service, better known as TIS, is Australia's only national translating and interpreting service.

The professional, qualified translators and interpreters are available to help migrants and refugees smooth out misunderstandings due to limited English.

TIS can set up a three-way conversation between you, an interpreter and whomever you need to communicate with. You will be connected to an interpreter within three minutes (average time 30 seconds).

Telephone: 13 14 50 (check the cost when you begin the call).

Migrant Resource Centres

Migrant Resource Centres (MRC) are there to help migrants and refugees in their first years of settlement.

The services offered by each may vary but they generally offer multilingual information, advice and referral services for migrants and refugees.

They may also offer employment assistance, assistance in finding accommodation, individual casework support, English language lessons, and information sessions about important issues in your own language.

Geelong MRC

153 Pakington Street
Geelong West 3218
Phone: 5221 6044
Fax: 5223 2848

Inner Western Region MRC

2nd Floor, 289 Barkly Street
Footscray 3011
Phone: (03) 9689 2888
Fax: (03) 9687 9286

**Hoppers Crossing
Outreach Service**

Central Park
Community Centre
80 Lonsdale Circuit
Hoppers Crossing 3029
Phone: (03) 9748 3066
Fax: (03) 9742 0745

Gippsland MRC

100-102 Buckley Street
Morwell 3840
Phone: 5133 7072
Fax: 5134 1031

North West Region MRC

45 Main Road West
St Albans 3021
Phone: (03) 9367 6044
Fax: (03) 9367 4344

MRC North East

251 High Street
Preston 3072
Phone: (03) 9484 7944
Fax: (03) 9484 7942

**Migrant Information
Centre Eastern Region**

333 Mitcham Road
Mitcham 3132
Phone: (03) 9873 1666
Fax: (03) 9873 2911

Northern Metropolitan MRC

175 Glenroy Road
Glenroy 3046
Phone: (03) 9306 5611
Fax: (03) 9306 5644

South Central Region MRC

40 Grattan Street
Pahran 3181
Phone: (03) 9510 5877
Fax: (03) 9510 8971

**South Central Region MRC –
Oakleigh Office**

18 Chester Street
Oakleigh 3166
Phone: (03) 9563 4130
Fax: (03) 9563 4131

South Eastern Region MRC

Level 1, 314 Thomas Street
Dandenong 3175
Phone: (03) 9706 8933
Fax: (03) 9706 8830

Westgate Region MRC

78-82 Second Avenue
Altona North 3025
Phone: (03) 9391 3355
Fax: (03) 9399 1796

When you move in

Your landlord or estate agent must give you:

- a copy of the signed Residential Tenancy Agreement
- a completed and signed Condition Report
- a completed copy of the Bond Lodgement Form
- a receipt for the bond money
- a receipt for rent money paid in advance
- a copy of the 'red book' – *Renting a Home: A guide for tenants and landlords* that is available from Consumer Affairs Victoria
- an emergency telephone number for urgent repairs
- written notice of the landlord's full name and address.

Disputes with your landlord or estate agent?

1. Contact Consumer Affairs Victoria or the Tenants Union of Victoria for help.
2. They may advise you to apply to the Victorian Civil and Administrative Tribunal (VCAT) to help resolve the dispute.

New Country – New Home is a joint project of the Equal Opportunity Commission Victoria and Consumer Affairs Victoria in collaboration with the Working Group on Discrimination in the Private Rental Market Against Migrants and Refugees.

Members include:

- Real Estate Institute of Victoria
- Department of Human Services, Office of Housing
- Northeast Migrant Resource Centre
- Department of Immigration and Multicultural and Indigenous Affairs
- Tenants Union of Victoria
- Springvale Community Aid and Advice Bureau.

The Working Group is an initiative of the Victorian Settlement Planning Committee (VSPC), a partnership of Federal, State and Local Government agencies and community organisations that plans for the effective delivery of settlement services in Victoria.

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Legal disclaimer

This information is intended as a guide only. It is not a substitute for legal advice.

New Country – New Home: Renting, Rights and Responsibilities

A guide for newly arrived migrants and refugees

This guide provides practical advice on:

- preparing to look for a private rental property in Victoria
- applying for a property in the private rental market
- knowing your rights and responsibilities as a tenant
- being treated fairly by a landlord or estate agent.

Call the Consumer Affairs Victoria publication line on (03) 9627 7126 to request a copy of either:

- *New Country – New Home: migrants and refugees* (4 languages)
- *New Country – New Home: landlords and estate agents* (3 languages).

Additional information www.eoc.vic.gov.au or www.consumer.vic.gov.au

