

Factsheet

Renting in NSW: Tips for international students



This factsheet provides information for international students looking to rent a house or unit in NSW.

This factsheet has been created by Redfern Legal Centre's (RLC) International Student Legal Service NSW (RLC ISLS) and Inner Sydney Tenants' Advice and Advocacy Service (ISTAAS).

Before you sign a lease, use this factsheet as a quick reference guide. It covers your rights as a tenant, and your landlord's obligations to you, under NSW law.

If you have any questions or concerns, you should seek legal advice. There are some contact details below for free legal services. If you are an international student enrolled to study in NSW, you can also download the My Legal Mate app for free: <https://www.study.sydney/student-welfare/my-legal-mate>

Tenancy agreements

- In order to protect your rights as a tenant, it's best to have a written tenancy agreement with your landlord.
- You can use the standard form available on the Fair Trading website: https://www.fairtrading.nsw.gov.au/_data/assets/pdf_file/0019/910180/Standard-Residential-Tenancy-Agreement-2020.pdf.
- Alternatively, you and your landlord can handwrite or type an agreement.
- The written agreement should say if the tenancy is for a fixed term (eg: 6 months) or periodic (eg: ongoing, no fixed term), and specify the amount of rent to be paid each week, fortnight or month.
- A tenancy agreement cannot contain terms that breach the Residential Tenancies Act 2010 (NSW).

Landlord's identity and contact details

- Make sure you have the full name and contact details of the landlord, even if they use an agent. Ask for their identification (eg: business card, drivers' license).
- It is also useful to have your landlord's bank details.

Holding fees

- Before you sign your lease, if your tenancy application has been approved, you may be asked to pay a holding fee. This cannot exceed the value of one week's rent.
- You should receive a receipt stating your landlord's name, your name, the address of the property and the date the fee was paid.
- If you go ahead with the tenancy, this holding fee must go towards your rent.
- If you decide not to go ahead with the tenancy, your landlord may keep the holding fee.

Bonds

- You may be asked to pay a bond, but it cannot be more than four weeks' rent.
- You can pay your bond directly to NSW Fair Trading, or to your agent or landlord.
- You can pay your bond to NSW Fair Trading using Rental Bonds Online (RBO). You can contact NSW Fair Trading on 13 32 20 or (02) 9895 0111 for assistance.
- If you pay a bond to your agent or landlord, they must register your bond with NSW Fair Trading and provide you with a receipt for the bond.

- NSW Fair Trading will notify you when your bond is registered by your agent or landlord. It can take up to two months to receive confirmation.

Rent in advance and other costs

- You are **not** required to pay more than two weeks' rent in advance.
- You are **not** required to pay rent earlier than when it's due.
- You do **not** have to pay for the key, or other security device, which grants you access to the property and any designated or onsite parking. You may be required to pay for replacements or additional copies of these keys.
- You do **not** have to pay for the preparation of the lease agreement.

What your landlord has to tell you about before you sign a lease

- If the property has no allocated parking and you will not be able to obtain a parking permit in the area.
- If they are planning to sell the property.
- If the property poses a significant health or safety risk.
- In an apartment block or complex, if there are necessary works, or major repairs, to common property planned.

Condition reports

- A condition report records the property's general condition, room by room, including fixtures and fittings.
- Before you move in, the landlord or agent must fill out a condition report, and provide you with a copy.
- Using their condition report, you now complete your own condition report. This is important, as you must pay for any damage to the property caused by you during your tenancy.

- Your report should be filled out with as much detail and accuracy as possible. Make a careful examination of the property and take date stamped photos of the property's state of repair when you first move in.
- You must return your condition report to the landlord or agent within seven days of moving in. **Keep a copy for yourself.**

Record keeping and communications

- The landlord must give you a copy of the signed lease, which includes full contact details and address of the agent and/or landlord.
- The landlord must give you copies of all rent receipts, if you pay your rent in cash.
- If you pay a bond directly to the agent or landlord, the landlord must give you a receipt or record its payment in the tenancy agreement.
- Always communicate with your landlord or agent in writing (eg: text message or email), and keep copies of all correspondence, documents and receipts. If you speak with them by phone or in person, send them an email after the conversation stating what was said and/or agreed.
- If there is a dispute, you can use your records to help prove what happened.

Repairs

- If your landlord or agent promises to make repairs or improvements to the property, make sure that you have received this promise in writing.
- If you need urgent repairs, (eg: your toilet is not working), contact the landlord and give them a chance to arrange the repair. If they do not do this, you may be able to spend up to \$1000 and get the landlord to pay you back.
- For non-urgent repairs, put your request in writing to the landlord and follow up in writing if it is not done.
- For further information, see:
<https://www.tenants.org.au/resources/repairs>.

Free legal advice

- International Student Legal Service NSW, Redfern Legal Centre: (02) 9698 7645
- Tenants Union of NSW: (02) 8117 3700.

Further information and resources

- Fair Trading's New Tenant Checklist: https://www.fairtrading.nsw.gov.au/_data/assets/pdf_file/0004/382126/FTR72_New_tenant_checklist.pdf
- Free My Legal Mate app: <https://www.study.sydney/student-welfare/my-legal-mate>
- Redfern Legal Centre: <https://rlc.org.au/our-services/tenancy-housing>
- Tenants Union: <https://www.tenants.org.au/>
- NSW Fair Trading: 13 32 20 or (02) 9895 0111.

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