

Rooming House Residents Handbook

A guide for Victorian rooming house residents



Tenants
Victoria

Contact us

Tenants Victoria -

1800 068 860

All Victorian rooming house residents have legal rights. If you need advice on how to make sure a rooming house operator respects your rights, contact Tenants Victoria. This is a free and confidential service.

You can call Tenants Victoria on **1800 068 860** (toll-free) Monday to Friday (closed public holidays).

Tenants Victoria can:

- Give you legal advice about your rooming house residency
- Help you read or fill in some forms relating to your residency
- Check whether or not any notices or forms the operator has given you are legally valid
- Help you at VCAT (the Victorian Civil and Administrative Tribunal) which handles disputes between residents and rooming house operators

▶ tenantsvic.org.au/contact-us

▶ tenantsvic.org.au/advice/different-tenancies/rooming-houses/

Rooming House Residents Handbook

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Rooming House Residents Handbook
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Our offices are on Wurundjeri Woi Wurrung Country. Our work gives us a special insight into the value of place and home, and we respect the Wurundjeri people's ongoing connection to Country, culture and community. We also acknowledge the connection of all First Nations peoples on whose Country Victoria is today situated. We recognise that sovereignty was never ceded and pay our respects to Elders past and present.

Disclaimer

Information is correct at the time of printing and may be subject to change. This information is a guide and should not be used as a substitute for the Residential Tenancies Act 1997 or professional legal advice.

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Rooming houses

What is a rooming house?

A rooming house is a building or apartment with one or more rooms to rent, where at least four people, officially called residents, can live.

Rooming houses are different to other share houses as the rooming house operator decides who lives at the property and usually has individual agreements with each resident for paying rent.

You are a rooming house resident if you rent a room, or shared room, in a property like this. In some situations you may also be considered a rooming house resident if you have been living at a hotel or motel, as your main or only home, for at least 60 continuous days.

The information in this booklet is for rooming house residents only.

Licences and registration

Rooming houses must be registered, and operators licenced. If they are not, you can report this to Consumer Affairs Victoria on **1300 558 181**.

If you do live in an unregistered rooming house, you have done nothing wrong and cannot get into trouble.

Check registration and licensing at:

- ▶ registers.consumer.vic.gov.au/rhrsearch
- ▶ consumer.vic.gov.au/licensing-and-registration/rooming-house-operators/public-register

Minimum standards

Rooming houses must meet certain minimum standards. These include locks for your room, privacy latches for shared bathrooms or toilets, access to cooking facilities and more.

See the full list of rooming house minimum standards on Consumer Affairs Victoria's website at:

- ▶ consumer.vic.gov.au/minimumstandards

Rental law

Victoria's rental law, the Residential Tenancies Act 1997, defines the rights and responsibilities of rooming house operators and residents.

This handbook gives a brief overview of some of these rights and responsibilities. For more information see:

- ▶ **Our website:** tenantsvic.org.au
- ▶ **Rooming house pages on our website:** tenantsvic.org.au/advice/different-tenancies/rooming-houses

Bonds, rent and other costs

Make sure you get a written receipt from the rooming house operator whenever you pay for anything in cash. Bank statements can be used as evidence of EFT (electronic fund transfer) or Centrepay.

Bonds

Some rooming house operators ask residents to pay a bond at the start of their residency.

You cannot be asked to pay a bond worth more than 14 days rent, unless you have a fixed-term rooming-house agreement, when it can't be worth more than 28 days rent.

The operator must send the bond to the RTBA (Residential Tenancies Bond Authority) within 10 business days of payment. The RTBA must give you a receipt within 7 days of receiving the bond. If you don't receive the receipt you can contact the RTBA on **1300 137 164**.

Getting your bond back

When you move out you can apply to the RTBA to get your bond back, or to VCAT (Victorian Civil and Administrative Tribunal) if the rooming house operator tries to stop you from getting it back.

If you are having trouble getting your bond back contact us on **1800 068 860**.

Rent

You can't be asked to pay more than 14 days rent in advance. And you must be given a way to pay that won't cost you extra fees, such as by EFT or Centrepay.

If you have been asked to pay more than 14 days in advance, pressured to pay in a way that has extra costs, or refused a receipt, you can report the rooming house operator to Consumer Affairs Victoria on **1300 558 181**.

If you pay through Centrepay, make sure you update your details before you move out, so you don't continue to pay rent for somewhere you no longer live.

Rent increases

If the rooming house operator wants to increase the rent, they can only do this once every 12 months. They must give you 60 days written notice and use the official form from Consumer Affairs Victoria. If you do not get the right amount of notice on the official form the increase will not be legally valid.

If you think the increase is too high, you can apply to Consumer Affairs Victoria for them to assess it. This is a free service. You must apply within 30 days of receiving the notice.

If you want to check if a rent increase is valid, or want to challenge it, contact us on **1800 068 860**.

Electricity, gas and water

The rooming house operator can only charge you for electricity, gas, or water if your room has a separate meter provided by the utility company that measures your usage, and no-one else's.

If your room does have such a meter, the operator cannot charge you more than they pay the supplier.

If your room has its own heating or cooling appliances, but not its own separate meter, the operator cannot charge you for using these appliances. They also cannot limit how much you use them or remove them from your room.

If the operator tries to do any of these things contact us on **1800 068 860**.

Information you must be given

The rooming house operator must give you certain information and documents, either before, or on, your move in date.

If they don't you can report them to Consumer Affairs Victoria on **1300 558 181**.

The information they must give you includes the following items.

Contact details and condition report

- The name, address and phone number of the rooming house operator, their agent, or their manager
- An emergency contact number, in case urgent repairs are needed
- A condition report for your room – you need to complete and return it within 5 business days

House rules and residents guide

- A copy of the house rules
- The residents guide to your rights and responsibilities published by Consumer Affairs Victoria

The house rules, and the summary published by Consumer Affairs Victoria of the residents guide, must be displayed in your room.

If there are house rules, the rooming house operator must make sure:

- The rules are reasonable, interpreted fairly and followed by all the residents
- They give you 7 days written notice if they want to change them

If you think any of the house rules are unfair, or are not consistently enforced, you can apply to VCAT to challenge them. However, you should continue to follow them until VCAT makes its decision.

During your residency

Access

The rooming house operator must give you:

- 24-hour access to your room and the rooming house
- 24-hour access to the toilet and bathroom
- Access to other facilities during reasonable hours

Repairs

The rooming house operator needs to keep your room and the rooming house in good repair.

If repairs are needed, there are steps you can take to get them done. Do not stop paying rent and do not use your rent money to pay for repairs.

Urgent repairs

Urgent repairs need to be fixed as quickly as possible. They include:

- A burst water service or anything causing large amounts of water to be wasted
- Failures and breakdowns of the toilet, or services and appliances for water (hot and cold), cooking, heating, laundry, gas and electricity, or safety devices

- Storm, flooding or fire damage
- A serious roof leak or serious fault in a staircase or lift
- Anything else that makes the property unsafe or not secure, including pest infestations and mould or damp caused by the building's structure

See the full list of urgent repairs on our website at:

► tenantsvic.org.au/advice/common-problems/repairs/

Non-urgent repairs

Non-urgent repairs are anything not on the list of urgent repairs. They should be fixed within 14 days.

Reporting repairs

If repairs are needed, tell the rooming house operator as soon as possible. You can tell them in person, or by phone. **You should also inform them in writing so you have a record.**

If the problem is not fixed you can apply to VCAT, or ask Consumer Affairs Victoria to investigate.

If you need help getting repairs done contact us on **1800 068 860**.

Privacy and entry to your room

The rooming house operator must respect your privacy and avoid disturbing your peace and quiet. They can only come into your room in certain circumstances.

The amount of notice they must give you varies according to the reason.

No notice

They can come into your room without first giving you notice if these circumstances apply:

- You agree that they can enter
- There's an emergency
- To deliver a service you have paid for, such as clean sheets

Notice needed

The operator can come into your room, provided they have given you 24 hours written notice first, if they:

- Need to carry out their legal duties, such as arranging repairs
- Have reasonable grounds to believe you are not following your legal duties, such as using your room for something illegal
- Want to show your room to a new resident, if you are moving out
- Want to show the room to a buyer or lender, if the rooming house is being sold

They can come into your room, provided they've given you 48 hours written notice first:

- To do a routine inspection of your room – this can only be done once every 4 weeks

For any of these reasons, they can only come in between 8am and 6pm, and not on public holidays.

It is illegal for the rooming house operator to enter your room for any other reason.

If they need to come into your room, they must behave reasonably and cannot stay longer than necessary.

If they act improperly or damage any of your property you may be able to apply to VCAT for compensation, or to limit their rights to enter your room.

Duties and breaches

You and the rooming house operator both have duties that must be followed.

For example, residents have a duty to not use their room for anything illegal, while rooming house operators have a duty to keep the rooming house in good repair.

If a duty is not followed this is called a 'breach'.

If you or the rooming house operator breach any of your duties the other can give a 'notice

of breach of duty' telling them to fix the problem, and/or pay compensation.

For a full list of residents' and operators' duties see our 'Duties and breaches (rooming houses)' webpage at:

► tenantsvic.org.au/advice/different-tenancies/rooming-houses/duties-and-breaches

Risk of eviction

You could be given a notice to vacate, asking you to move out with 2 days notice, if:

- You have repeatedly breached your duties and have already been given 2 breach notices for the same duty
- VCAT has made a compliance order about you breaching your duties and you have not followed that order

See the section 'Ending your residency' on page 19 for more information on evictions.

If you get, or want to give, a notice of breach of duty, contact us on **1800 068 860**.

Your safety

If you feel unsafe, either due to the rooming house operator's behaviour, or the behaviour of another resident or their visitor, there are steps you can take.

Call the police - 000

If you are in immediate danger or feel unsafe, contact the police on 000.

Intervention orders

Family violence: if you are experiencing violence from a family member, partner or ex-partner, you can apply to the Magistrates' Court of Victoria for a family violence intervention order.

Personal violence: if you are experiencing violence from someone else, you can apply to the Magistrates' Court of Victoria for a personal safety intervention order.

These orders can include 'exclusion' clauses ordering the person not to come within a certain distance of you.

For more information see the Magistrates' Court of Victoria's website at:

► mcv.vic.gov.au/intervention-orders

Restraining orders

If the person making you feel unsafe is the rooming house operator, or their agent, you may be able to apply to VCAT for a restraining order. A restraining order can forbid them from coming into your room or contacting you unless there is a valid reason under the law for them to do so.

Contact us for more advice on **1800 068 860**.

Other residents and their visitors

If the person making you feel unsafe is another resident, or a visitor of theirs, speak to the rooming house operator.

Rooming house operators can take action if a resident is breaching their duties, such as not respecting your privacy or peace and quiet, or not following house rules, such as rules about appropriate behaviour.

They can also take action in more serious situations, such as when a resident, or their visitor, is causing danger to others or committing serious acts of violence.

Evidence

Evidence of what is making you feel unsafe can help you prove there is a problem. Where possible, keep evidence about any threats to your safety and interference with your rights.

Disputes between residents

Tenants Victoria is unable to give advice on disputes between residents, as we do not take sides between residents.

However, you can talk to the rooming house operator, and ask them to take some action, if you are having issues with another resident, especially if you feel unsafe.

Ending your residency

Rooming house operator wants you to leave

Eviction

If the rooming house operator wants you to move out they must do all these things:

- Give you a legally valid notice to vacate
- Get a possession order from VCAT, which says you must move out
- Use the possession order to get a warrant
- Give the warrant to the police

Only the police can lawfully evict you – and only if they have a warrant.

Illegal eviction – restraining orders

It is illegal for anyone other than the police to evict you. It is also illegal for the rooming house operator to do anything that is intended to make you want to vacate the rooming house.

If the rooming house operator, or anyone other than the police, tries to evict you, you can apply to VCAT for an urgent restraining order to stop them.

You should apply immediately – in person if possible – and tell VCAT you need an urgent hearing.

Contact us for more advice on **1800 068 860**.

Notices to vacate

There are several time frames for notices to vacate, ranging from an immediate notice to vacate to a 60-day notice. The amount of notice that needs to be given depends on the reason.

For the different types of notices see our 'Notices to vacate (rooming houses)' webpage at:

► tenantsvic.org.au/advice/different-tenancies/rooming-houses/notices-to-vacate

Whatever the reason, all notices to vacate must:

- Be in writing
- Be addressed to you
- State the reason for the notice
- Include a 'termination date' – the date the rooming house operator wants you to leave
- Be signed and dated by the rooming house operator, or their agent
- Be given to you in person or sent by registered mail or, if you have agreed to receive notices this way, electronically, such as by email or text

All these things must be done. If they are not done the notice to vacate won't be legally valid and cannot be enforced.

Contact us for more advice on **1800 068 860**.

Family or personal violence

Some notices to vacate can be challenged if the reason they were given was due to

someone who has subjected you to family or personal violence.

These include notices to vacate for danger, damage, threats and intimidation, disruption, failure to comply with a VCAT order, successive breaches and illegal purposes.

Contact us for more advice on **1800 068 860**.

Possession orders

You do not necessarily need to move out because you get a notice to vacate.

To evict you the rooming house operator must also apply for a possession order from VCAT, which is an order saying you need to move out.

VCAT will schedule a hearing, which you should go to. At the hearing VCAT will decide:

- If the notice to vacate is valid
- If it can make a different order, instead of you being evicted
- If it is 'reasonable and proportionate' for you to be evicted

Example – overdue rent

If your rent is 7 days overdue, you can be given a 2-day notice to vacate.

Even if the notice to vacate is legally valid, VCAT could decide to make an order that you pay off any overdue rent instead of being evicted.

Note – it is illegal for the rooming house operator to take or get rid of your property because you owe them rent.

‘Reasonable and proportionate’

VCAT will look at these things in deciding if it is ‘reasonable and proportionate’ to evict you:

- Your behaviour and the operator’s behaviour
- The seriousness of the problem, how long it’s been going on and whether it can be fixed
- If anyone else was responsible, and if family or personal violence was involved
- How other residents have been affected
- The hardship you could suffer if evicted, compared to the hardship others could suffer if you were not evicted
- The impact your eviction could have on you, and anyone else, such as the operator, other residents, or neighbours
- Anything else VCAT thinks is relevant

Contact us for more advice on **1800 068 860**.

Notice to leave

A notice to leave is different from a notice to vacate. The rooming house operator can give you a notice to leave if they have reasonable grounds to believe that you, or your visitor, have committed a serious act of violence or are a danger to others in the rooming house. It is an offence to give a notice to leave without a good reason.

If you are given a notice to leave, you must leave immediately and cannot return during the suspension time, even to collect clothes or other belongings. However, you can arrange for someone else to collect your things for you.

After giving you a notice to leave, the operator may make an urgent application to VCAT seeking to evict you. The operator must apply within 2 business days after giving you the notice. This type of notice suspends your residency for 2 business days or until VCAT decides on the operator's application.

Seek legal advice immediately and contact VCAT so you can tell your side of the story.

You cannot be given a notice to leave if:

- The serious act of violence or the act that endangered someone’s safety was family violence committed by a visitor who is a member of your family
- You have already been given a 'danger' notice to vacate for the same behaviour

Contact us for more advice on **1800 068 860**.

You want to leave

Notice of intention to vacate

If you want to move out, you must give the rooming house operator notice of your intention to vacate. You must give at least 2 days notice, unless you have a fixed term rooming-house agreement, when you need to give at least 14 days notice.

You should give your notice in writing stating the date you intend to move out, and keep a copy.

Unsafe or unfit to live in

If your room, or the rooming house, is unfit to live in, or destroyed or damaged to the point that it has become unsafe you can move out immediately.

You should keep evidence of the state of the property, such as photos, in case the rooming house operator tries to argue that you should not have moved out because they want to get more rent from you.

Family or personal violence

If you have a fixed term rooming-house agreement with some else, such as a partner you share your room with, and that person is subjecting you to family or personal violence, you can apply to VCAT to end that agreement so that:

- You can move out
- You can stay, but the other person has to move out

VCAT can also decide who is responsible for any outstanding rent, and for any damage.

Contact us for more advice on **1800 068 860**.

Contacts

Tenants Victoria

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You can call Tenants Victoria on **1800 068 860** (toll-free) Monday to Friday (closed public holidays)

▶ tenantsvic.org.au/contact-us

▶ tenantsvic.org.au/advice/different-tenancies/rooming-houses/

Other organisations

Tenancy Assistance and Advocacy Program (TAAP) and Tenancy Plus

Tenancy Assistance and Advocacy Program (TAAP) and Tenancy Plus services may also be able to provide legal advice and assistance. Find a list of services on these websites at:

▶ consumer.vic.gov.au – put ‘Tenancy Assistance and Advocacy Program’ in the website’s search box

▶ Find a list of all Tenancy Plus services on Housing Vic’s website at: housing.vic.gov.au/tenancy-plus-support-program

Consumer Affairs Victoria -

1300 558 181

Consumer Affairs Victoria is the state's consumer regulator and has the power to issue fines or take legal action against rooming house operators who break the law.

Consumer Affairs Victoria

PO Box 123

Melbourne VIC 3001

1300 558 181

► consumer.vic.gov.au

Online complaints:

► online.justice.vic.gov.au/cav-forms/generalcomplaint.doj

VCAT - 1300 01 8228

VCAT (the Victorian Civil and Administrative Tribunal) hears disputes between residents and rooming house operators.

It is not a court, but it can make decisions that must be followed by rooming house operators and residents.

It is intended to be informal and cheap – sometimes free if you are on a low income – and a quick and fair way to resolve disputes.

If your problem is urgent tell VCAT at the time that you apply.

Victorian Civil and Administrative Tribunal

55 King Street

Melbourne VIC 3000

► vcat.vic.gov.au

1300 01 8228 | Main line

131 450 | Translating and
Interpreting Service

03 9628 9856 | Family Violence Support

0417 516 335 | Koori Support team

Residential Tenancies Bond Authority (RTBA) - 1300 137 164

If you pay a bond, the rooming house operator must lodge it with the Residential Tenancies Bond Authority. The RTBA is an independent government body that holds bonds safe until residencies end and they can be released.

Residential Tenancies Bond Authority

Locked Bag 007

Wendouree VIC 3355

1300 137 164

► rentalbonds.vic.gov.au

Crisis accommodation - 1800 825 955

If you are experiencing homelessness, or are at risk of becoming homeless, there are housing services that may be able to help you with crisis accommodation.

1800 825 955 (24-hour toll-free number)

► services.dffh.vic.gov.au/getting-help

What's in this guide?

This handy guide outlines some of the rights of Victorian rooming house residents.

It includes:

- Useful contacts
- Legal requirements
- Bonds
- Rent and rent increases
- Electricity, gas and water
- House rules
- Access
- Repairs
- Privacy and entry to your room
- Duties and breaches
- Your safety
- Evictions
- Ending your residency

See our website at:

▶ tenantsvic.org.au

See our website pages on rooming houses at:

▶ tenantsvic.org.au/advice/different-tenancies/rooming-houses



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