



Keeping the 'mates' in housemates

For many people, living with others in a share house can be a good way of sharing the cost of rent and other bills, and can be more fun than living alone. However, when disputes arise with other members of the household it can sometimes be difficult to resolve them, especially if you continue living together.

What type of shared household do you live in?

There are several types of shared households that you could set up or move into. Not all shared households are the same and the way in which yours is set up will determine your legal rights and responsibilities.

If you sign a tenancy agreement (often called a 'lease') with the landlord or real estate agent, together with at least one other tenant, then you will be entering into a 'co-tenancy'. As a co-tenant you are equally responsible for paying the rent and complying with the legal duties of a tenant, along with the other tenants. Co-tenants are 'jointly and severally liable' under a tenancy agreement. This means that the landlord can claim the total of any unpaid rent or compensation for any 'breach of duty' (such as damage to the premises) from all co-tenants or from any individual tenant.

You may be considered a co-tenant even if you are not named on the lease if you have been 'assigned' a share of the lease by another tenant (with the prior consent of the landlord) and the landlord or real estate agent are aware that you are living in the property. Usually the bond paid by the other tenant will be transferred into your name.

You may also move into a shared household under a 'sub-tenancy' arrangement. You may be considered to be a 'sub-tenant' if another tenant (the head-tenant) collects rent from you. A sub-tenant usually does not deal with the landlord or real estate agent directly. Before moving in as a sub-tenant, you should ensure that the landlord or agent have given the head-tenant written permission for you to move into the property. Tenancy law will cover a dispute about the rented property between a sub-tenant and a head-tenant if the sub-tenancy has been created in keeping with the law.

If you are sharing with the actual landlord or head-tenant of the property (such as in a 'homestay') then it may be considered a 'licence' arrangement. In this situation you will not be considered to be a tenant and therefore you will not have the same protection as tenants under the law. This area of law is complicated so you should seek some advice.

If you are in a share house where there are one or more rooms available for rent to four (4) or more people, you may be considered to be a 'rooming house resident'. Rooming house residents have legal protection when there is a dispute with the rooming house owner or manager.

How can you resolve any problems?

If you are living in a shared household and a dispute arises with the landlord or real estate agent, or if you are not sure about which type of shared household you are living in, you can get free and confidential advice from the Tenants Union of Victoria. It is also a good idea to see the Tenants Union or seek legal advice before you sign a tenancy agreement (lease) if you are unsure of any of the terms and conditions.

If your dispute is with a co-tenant, this can be harder to resolve, as tenancy law does not cover co-tenancy disputes. If your dispute is with another tenant, you can get advice from a Community Legal Centre or assistance from the Dispute Settlement Centre of Victoria. The earlier you get help, the more likely it is that you will be able to resolve the problem.



What to consider when living in a shared household

To avoid the common problems of living in shared housing, you may need to consider the following:

Moving into an existing shared household

> Has the landlord agreed to you moving in?

Is this in writing? Legally, the landlord or real estate agent needs to know when another person is moving into the property and you must get their written permission.

> Is there a current tenancy agreement (lease)?

If so, you may want to consider having your name added to the lease to ensure that you have equal rights with your housemates. Remember this will mean that you are jointly and severally liable under the lease.

> Have you paid a bond? Who to?

When you move in with other people, you will usually be asked to pay a share of the bond. When you pay bond make sure that you sign a Bond Transfer form and get a receipt for the amount that you paid.

> Have you worked out what other bills you will need to pay once you move in?

Telephone, gas, electricity and other utility bills are usually divided between the people living in the house. Check whose names are on these bills and include these living expenses in your budget.

> Are there any existing house rules?

In some share houses tenants develop their own rules to better manage the household. House rules can include rosters for cleaning, cooking and shopping for food. They can also include rules on how to pay the bills and how much notice should be given when someone wants to move out. If house rules do exist, make sure that you understand and agree to these before moving in.

Setting up a shared household

In some cases, you may prefer to set up a share house with other people. If possible, it is best to move in with someone that you know, who is reliable and able to afford their share of the rent and bills. To ensure that all housemates will have equal rights and responsibilities, you should put all names on the lease.

To avoid disputes later on, it is a good idea for you and your housemates to reach an agreement about how the household will operate. To help avoid misunderstandings, you could put this agreement in writing and have it signed by everyone moving into the household. The agreement could include the following details:

> How much rent should each person pay?

Usually rent is divided equally or someone may pay a higher portion of rent for a larger bedroom.

> How should the bills be divided and paid?

Whose names will be on the bills? You may also need to develop a system for dividing up the phone bills (eg based on actual calls made by each person).

> How will the money be collected?

> Will you have a kitty for household expenses eg groceries?

> Who will provide your household furniture and white goods?

It is usually a good idea to clarify the specific items that each housemate will contribute. In some cases, people hire electrical appliances and divide the cost. If there are other household items that you need, it may be preferable for individual housemates to purchase and own these separately.

Living in a shared household

It is worth discussing living arrangements before moving in together to make sure that these will suit your needs and to avoid potential disputes.

> Will the household be communal or will you live quite separately?

Do you want to shop and cook together or on your own? Different members of the household may have very different expectations.

> What is an acceptable level of noise?

This can be a problem if you and your housemates have different lifestyles. Before moving in, it is best to have very clear guidelines about noise levels. You may choose to agree on a set time at night and in the morning when loud noise is unacceptable.

> What happens when you or your housemates have friends over?

It is best to agree on how long another person (eg friends, family or partners) can stay in the house before they have to contribute to living costs, including rent and bills.

> Who is responsible for paying the rent and bills?

How are rent and bills to be divided? You should check with telephone and utility companies about the available payment options, eg whether you can pay monthly. Make sure that you get receipts for all payments.

Leaving a shared household

What happens when someone wants to leave the household? A common time for disputes is when one member of the household needs to move out before the end of the lease period. You can avoid this by having a clear agreement about how much notice should be given when somebody wants to move out, who will look for a new tenant and who will take responsibility for informing the landlord or real estate agent.

If you are named on the lease you will be responsible for paying the rent until the lease period ends or until a new tenant moves in.

For more information see our **Shared households** and **Assignment & sub-letting** fact sheets.

Some tips for working it out with your housemates

- > talk face to face, allowing plenty of time to discuss the issue in dispute
- > if the issue involves all housemates, you may like to set a suitable time for a house meeting
- > outline clearly what you think the problem is, trying to stay calm and not get upset
- > discuss the issue or the behaviour that is the problem, rather than referring to the person as a problem
- > listen carefully to what your housemate has to say and try not to interrupt them
- > refer to any house rules that you think have been broken

- > discuss possible solutions to the problem
- > agree on the steps that each of you will take to resolve the problem

If the problem cannot be resolved, the Dispute Settlement Centre may be able to give you some suggestions or arrange a mediation session—if your housemates agree to attend. This involves an independent person (a mediator) holding a meeting with all the members of your household to help you reach a solution.

If mediation is unsuitable or has been unsuccessful, you can contact a Community Legal Centre for advice.

Where to get help

Tenants Union of Victoria

for free legal advice on tenancy disputes with your landlord or real estate agent.

☎ 9416 2577

www.tuv.org.au

Federation of Community Legal Centres

for free legal advice on co-tenant disputes, phone the federation for your nearest legal centre.

☎ 9652 1500

www.communitylaw.org.au

Dispute Settlement Centre of Victoria

for free mediation service to help resolve disputes with your housemates.

☎ 9603 8370

(freecall ☎ 1800 658 528 outside Melbourne)

www.justice.vic.gov.au/disputes

Victorian Equal Opportunity & Human Rights Commission

for free advice if you believe that you have been discriminated against by a landlord or real estate agent.

☎ 1300 292 153

www.equalopportunitycommission.vic.gov.au

Residential Tenancies Bond Authority

for queries about your bond.

☎ 1300 137 164

www.rtba.vic.gov.au

International Student Care Service

provides a 24 hour, 7 day support service to assist international students with rental advice, personal issues, visa issues, medical emergencies and other important issues.

☎ 1300 55 99 62

www.internationalstudentcare.com

Students Services

Check whether there is a student housing service, international student service or legal service for students at your place of study that can provide you with advice and support.

Telephone Interpreting Service

if you need an interpreter to call any of the above organisations

☎ 131 450 (24 hours, 7 days)



This information applies only to the state of Victoria, Australia and is to be used as a guide only. It is not a substitute for professional legal advice or the Residential Tenancies Act 1997.

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