



# Tenant and landlord rights and obligations (O aiá ma matáfaioi)

(A translation in the **Samoan language** has been provided)

Both the landlord and the tenant are given certain rights and obligations when they agree to a tenancy. Tenants cannot give away their rights.

*Ua tofusia uma le pule o le fale ma lé o loo mau totogi ona tuuina atu iai aiá ma matáfaioi, pe a oo ina malilie faatasi i le feagaiga o le fale mau totogi. E lé mafai e tagata mau totogi ona 'ave 'ese atu a latou aiá tatau.*

## A tenant must:

### **O lé e mau totogi e ao ina:**

- Pay the rent on time.  
*Totogi le tau o le fale i le taimi tonu.*
- Make sure the house or flat is used mainly for residential purposes.  
*la tautuaná le faaogá o le fale e mau ma nonofo ai.*
- Keep the house or flat reasonably clean and tidy.  
*la teu mamá ma tapena faalelei le fale.*
- Tell the landlord as soon as possible of any damage or repairs needed.  
*Ta'u vave i le pule o le fale ni vaega ua leaga o le fale, poo nisi vaega ua ao ina faufauina.*
- Repair or pay for the repair of any damage caused deliberately or carelessly by the tenant or the tenant's guests.  
*Toe fau poo le totogi o mea ua leaga o le fale sa faaleaga e lé o loo mau totogi i le fale, poo a na máló.*
- Ensure that no more than the maximum number of people (if specified in the Tenancy Agreement) reside in the house or flat at any one time. (Note: This does not apply to short term visits.)  
*la manatua, le faatapulaaina o le aofa'i o tagata e mafai ona nonofo i le fale (pe afai o loo tusia i le Maliliega o le Feagaiaga o le fale). (Faailoaga: E lé o patino lenei faatonuga mo i latou e asiasi mai mo se taimi puupuu.)*
- Leave at the end of the tenancy: remove all of their goods, leave the house or flat reasonably clean and tidy, remove all rubbish, return all keys, pass cards or other such devices, and leave at the premises all other chattels provided by the landlord.  
*Tu'ua le fale i le l'uga o le feagaiga; 'ave 'ese uma ana mea-totino, tu'ua le fale o mamá lelei, faamamá 'ese uma lapisi, faafo'l ki o le fale, toe faafo'l ni.*
- Allow the landlord reasonable access to show prospective tenants, buyers or valuers through the property.  
*Faaavanoa ni itu e sao atu ai le pule o le fale, e faasino i nisi tagata fia mau totogi le fale, ma faamatamata iai tagata fia faatau fale ma fanua atoa ma tagata o loo fuafua aofa'l o le tau o le fale.*

Please turn over.../



- Pay all charges for electricity, gas, metered water (if provided for in the Tenancy Agreement) and telephone.  
*Totogi uma 'aitalafu o le eletise, kasa, mita o le vai-paipa (pe afai o faaatulaga i le Maliliega o le Feagaiga o le fale), ma le telefoni.*

**A tenant must not:**

**O lé e mau totogi e 'aua le:**

- Deliberately or carelessly damage the house or flat, or permit anyone else to damage the house or flat. (The tenant is not responsible for damage caused by a trespasser, as long as the tenant took all reasonable steps to prevent it.)  
*Faia ma le loto iai poo le faia faatalalé le so'ona faaleagaina o le fale poo le flat, poo le faataga o se isi e faaleagaina le fale poo le flat. (E lé tuua'iina fua lé sa mau totogi i le fale, pe afai ua faaleaga e se tagata ua solia fua le fanua ma le fale; ae tau lava ina saunia uma e lé sa mau totogi, 'auala tatau e puipuia ai mea e tutupu.)*
- Use the house or flat for any unlawful purpose, or permit anyone else to use it for an unlawful purpose.  
*Faaagáina le fale poo le flat, i ni tulaga faatino e lé ógatasi ma le tulafono; poo le faataga fo'i o se isi na te faaagáina i 'auala e lé o faatulafonoina.*
- Interfere with the peace, comfort or privacy of other tenants or neighbours, or permit anyone else at the house or flat to interfere with tenants' or neighbours' peace, comfort or privacy.  
*Faalavelave i le to'affilémú, ma le solo lelei o le nonofo i fale o isi tagata mau totogi poo tuá'oi, poo le faataga o se isi o loo iai i le fale poo le flat, e aiá fua i tagata mau totogi ma o latou tuá'oi e faavevesi le to'affilémú, ma le máfana o alaafaga ta'ito'atasi o aiga.*
- Attach anything to the house or flat or renovate, alter, or add to the building, except as the Tenancy Agreement allows, or with the landlord's written permission.  
*Faapipi'iina nisi mea i le fale poo le flat, faufau ma kamuta faafou, tasui, poo le toe soso'o ma faaopoopo se isi fale, vaganá tulaga ua faataga i le Maliliega o le Feagaiga o le fale, poo le faatonuga ua faataga atu e le pule o le fale.*
- Change the locks without the landlord's permission.  
*Suia loka o le fale e aunoa ma se faatonuga mai le pule o le fale.*
- Unreasonably refuse entry to the landlord when he or she is entitled to enter.  
*Faia o ni ala lé mafaufau e faatu'i'ese ai i le ulu atu o le pule o le fale, a'o lea e iai lana aiá tatau.*
- Sublet or assign (transfer) the tenancy to someone else without first getting the landlord's written agreement.  
*Toe tuu atu pe tofia (transfer) fua lava se isi e 'ave iai le feagaiga o le fale mau totogi, ae le i mua'i faatoga atu i le pule o le fale mo se maliliega tusia.*

**A landlord must:**

**O le pule o le fale e ao ina:**

- Give the tenant receipts for rent if rent is paid in cash or by other negotiable means.  
*'Ave i lé o loo mau totogi lisiti o le tau o le totogi o le fale, pe afai o loo totogi i le tino i tupe, poo ni siaki ma ni tulaga faapea e tutusa.*

- Give the tenant a statement saying what period rent paid relates to, if asked.  
*'Ave i lé o loo mau totogi se tusiga faafaamatalaga, e ta'u ai le ituaigá taimi faatulagaina e fetauí iai le totogiina o le fale, pe a tápáina.*
- Give the tenant 60 days' written notice of a rent increase.  
*'Ave i lé o loo mau totogi le 60 aso e lapata'iina ai le faasilasilaga lea o le a oo atu o le sí'i o le tau o le fale.*
- Give the tenant 48 hours' notice of an inspection.  
*'Ave i lé o loo mau totogi le 48 itula, e sauni ai mo le asiasiga o le fale.*
- Give the tenant 24 hours' notice of entry to repair.  
*'Ave i lé o loo mau totogi le 24 itula e sauni ai mo le alu iai o le tagata e kamutaina vaega e fau o le fale.*
- Tell the tenant if they intend selling the property.  
*Ta'u i lé o loo mau totogi, pe afai o loo fuafuaina o le a tau faatau le fale.*
- Make sure the locks and fastenings are adequate.  
*la mautinoa lelei ona mautú o loka ma faamaumauga o le fale.*
- Do any necessary repairs.  
*Kamuta ni vaega e tatau ona fausia.*
- Pay back the tenant for any urgent repair work that the tenant had to have done (as long as the tenant attempted to notify the landlord before having the work done).  
*Toe totogi ni tau o mea o le fale sa galuea'iina e lé o loo mau totogi, ona o se galuega sa fia fai vave (tau lava pe afai sa taumafai lé o loo mau totogi e faasoosoo le pule o le fale, a'o le i faataunuuina le galuega).*
- Make sure the property is clean and in a fit and habitable condition at the beginning of the tenancy.  
*la mautinoa le mamá lelei o le fale ma le fanua, ma ia malosí ma agavaa e nofoia e tagata i le amataga o le feagaiga mau totogi o le fale.*
- Pay all outgoing: rates, insurance, land tax etc.  
*Totogi uma tupe alu o le fale, lafoga tau fale, inisiua, lafoga tau fanua ma isi vaega.*
- Take reasonable steps to ensure that tenants aren't disturbed by the landlord's other tenants.  
*Fai ni laasaga ógatasi, e mautinoa ai é o mau totogi, ua lé afáina i le faalavelave mai iai o isi 'au mau totogi, a le pule o le fale.*
- Maintain the property in a fit and habitable condition during the tenancy.  
*Va'ai mae'a le fanua ma le fale ia atoatoa ona malosí ma ono nofoia i le taimi o le feagaiga o le fale mau totogi.*

#### **A landlord must not:**

#### ***O le pule o le fale e 'aua le:***

- Ask for more than two weeks' rent in advance or ask for more rent to be paid before the rent already paid has run out.  
*Tapaina se totogi faaopoopo e sili atu i le totogi o le fale mo le lua vaiaso o loo lumana'i; poo le tapaina fo'i o le totogi o le fale a'o le i uma le totogi o le fale lea sa totogi talu ai.*

*Please turn over.../*

- Inspect the property more than once in four weeks, except as allowed for to check on work done by the tenant.  
*Asiasia le fale ma le fanua e sili atu nai lo le faatasi i le masina (fa vaiaso), vaganá ai mai luga o le faataga atu e ásia ma vaai galuega sa fausia e lé o loo mau totogi.*
- Harass the tenant.  
*Faasoesá i lé o loo mau totogi.*
- Interfere with a tenant's reasonable peace, privacy and comfort or allow others to do so.  
*Aiá ma faalavelave i le to'afílémú o alaafaga a lé o loo mau totogi, poo le faataga o se isi e aiá fua.*
- Interfere with the gas, water, electricity supply or telephone.  
*Aiá i le kasa, vai-paipa, eletise, ma le telefoni.*
- Unreasonably withhold permission for a tenant to sublet or assign the tenancy to someone else if assigning or subletting is not prohibited by the Tenancy Agreement. (A landlord can set reasonable conditions on subletting or assigning, however any discrimination in terms of the Human Rights Act would be held to be unreasonable).  
*Faia ni faiga lé fetau e taofiofi ai le faataga o lé o loo mau totogi e tuu atu le feagaiga o le fale mau totogi mo se isi pe afai e lé o vavaoina lenei tulaga i le Maliliega o le Feagaiga o le fale. (E mafai e le pule o le fale ona faatulaga ni tuutuuga fetau mo lenei laasaga, ae peita'i, a filogia i ni uiga faailoga tagata, ona afáina lea i le tulafono o le Aiá Tatau a Tagata, ma o le a faauiga o ni faiga ua lé fetau.)*
- Unreasonably withhold permission for a tenant to attach any fixtures.  
*Taofiofia faaléfetaui le tuu faatagaina o lé o loo mau totogi e faapipi'i nisi mea e aogá ma fetau lelei mo le fale.*
- Change the locks without the tenant's consent.  
*Suia o loka ae le i malie iai lé o loo mau totogi.*
- Enter the property except as permitted by law or with the tenant's consent.  
*Ulufale i le fale ma le fanua, vaganá ua faataga i ala o le tulafono, poo le malie iai o lé o loo mau totogi.*

#### **A landlord may:**

##### **O le pule o le fale e mafai ona:**

- Write into a Tenancy Agreement how many people are allowed to stay in the house or flat.  
*Tusia i le Maliliega o le Feagaiga o le fale pe to'afia ni tagata e faataga e nonofo i le fale poo le flat.*
- Write into a Tenancy Agreement that the tenant is not allowed to sublet or assign (transfer) the tenancy to anyone else.  
*Tusia i totonu o le Maliliega o le Feagaiga o le fale, faapea, e lé faatagaina lé o loo mau totogi e tuuina atu (transfer) le feagaiga o le fale i se isi, ma faataga nisi e 'ave iai le tulaga mau totogi o le fale.*