



# Tips for hassle-free flatting

Renting is a big deal. There are lots of things to organise and there's a lot to remember. This information sheet explains some basic guidelines to follow so you have a positive flatting experience.

1. Do your sums. Work out what you can afford to pay before you commit to anything. When you first move in you'll need to pay rent in advance and you may need to pay a bond. That can add up for example if your rent is \$120 per week, then you may need as much as \$855.

4 weeks' rent as bond	\$480
2 weeks' rent in advance	\$240
1 week's rent for agent's commission + GST	\$135
Total	\$855

2. Know your rights and responsibilities as a tenant. The Department of Building and Housing brochures *Renting and you* and *What to do when you're renting* outlines your rights and responsibilities under the Residential Tenancies Act.
3. Get an agreement in writing with your landlord so there is no doubt as to what has been agreed to. See the section below for detailed information about tenancy agreements.
4. Keep receipts of payments and copies of anything put in writing.

## Tenancy agreements

Once you have found the place you want, read and discuss the written tenancy agreement with the landlord. This will become the legal contract between you. The tenancy agreement contains information required by law and any other conditions that you and your landlord both agree to. A tenancy agreement must be in writing and signed by both you and the landlord, with a copy held by each of you. Read the tenancy agreement through before you sign it. If there is anything you are unsure of, get advice. Call 0800 TENANCY (0800 83 62 62) or visit [www.dbh.govt.nz](http://www.dbh.govt.nz) for free information and advice about your rights and responsibilities.

Decide if you want a periodic tenancy, which means no time periods are specified, or a fixed-term tenancy, where you agree to a fixed time period for starting and ending the tenancy. Do not agree to a fixed term unless you are very sure that you and your group of flatmates, if you have one, will stay for the entire time.

Inspect the premises inside and outside before you sign a tenancy agreement. Make sure you always have a property inspection report signed by both you and the landlord before the start of the tenancy.

## Rent

Rent is the money you pay to live in the flat or house. You and the landlord will work out how much, when, where and how you'll pay. The landlord must give you a receipt for any rent you pay in cash. You will usually be asked to pay rent in advance of what you owe. A landlord cannot ask for more than 2 weeks' rent in advance.

## Bond

The bond is money that you pay as security on the tenancy against damage or loss to the flat or home. A landlord can ask for up to the equivalent of 4 weeks' rent as bond. The bond is paid to the landlord, who has to lodge the money with the Department of Building and Housing within 23 working days. You can pay the bond directly to the Department of Building and Housing if your landlord agrees.



If you pay your bond to your landlord, they must give you a receipt. The Department of Building and Housing will send you and the landlord a receipt for the bond and will hold the money until the end of the tenancy.

If you have not caused any damage to the flat or house your bond will be refunded at the end of the tenancy. If you have caused damage, all or some of your bond may be paid to the landlord to cover repairs.

To get your bond back once you have moved out of a property, fill out a bond refund form with your landlord. Send the form to the Department of Building and Housing. If there are any disputes regarding the bond, you can apply to the Tenancy Tribunal for help. But first, try to talk with your landlord to sort it out yourselves. The Department of Building and Housing brochure *Sorting it out* provides more information about dealing with disputes.

## **Other tenants and flatmates**

Every person who moves into a flat or house and signs the same tenancy agreement has shared responsibility for the whole tenancy, and can be individually liable for the whole tenancy. This means that if one tenant causes damage to the property or gets behind in paying rent, all of the other tenants can be jointly held responsible and may have to pay the debt if the offending tenant does not. It also means that any individual tenant can be held responsible. As a tenant, you have the right to live in the flat or house and cannot be asked to leave by the other tenants. Only the landlord can give you notice to leave.

Anyone who is living in the flat or house who is not part of the tenancy agreement is living there by permission of the tenant and is often referred to as a 'flatmate'. If you are a flatmate, the tenant can give you notice. Take care of yourself by keeping records - if you pay rent to a tenant, buy a rent book and get a receipt for every rent payment. Make sure you know and agree with the flat rules. Citizens Advice Bureaux and student accommodation advisers can offer advice on flatmate relationships.

People often move into an existing flat or house and make a casual arrangement with the person moving out to refund the bond. New flatmates or tenants can suddenly find themselves being held liable for the previous person's unpaid rent or may be asked to repair damage. They may also find that they have no bond money at all if the landlord claims the previous person's bond. This can be avoided by clarifying at the beginning exactly what the relationship is and the obligations and responsibilities of everyone involved.

## **Assigning and subletting**

Tenants can assign (transfer) the tenancy to another person if they have the landlord's written consent. The landlord should not unreasonably withhold that consent. However, if the landlord wishes to prevent the tenant from assigning or subletting the tenancy at all, it must be written in the tenancy agreement.

## **Sorting out problems**

If you have any renting problems, you can contact the Department of Building and Housing for free advice about your rights and responsibilities on 0800 TENANCY (0800 83 62 62).

If you have a problem with your landlord that you cannot sort out, you can make an application to the Tenancy Tribunal to attend mediation. In mediation a trained and independent mediator will help you and your landlord work things out. It costs \$20 to make an application. Most cases are settled by mediation. If the dispute is not resolved there, you can have the matter referred to the Tenancy Tribunal. The cost of this is included in your application fee.