

Your Residential tenancy agreement

Important information for you



How to use this agreement



Consumer Affairs Victoria (CAV) wrote this document. When you see the word 'we', it means CAV.



We have written this information in an easy to read way.

We use pictures to explain some ideas.



We have written some words in **bold**.

We explain what these words mean.

There is a list of these words on page 44.



This Easy English document is a summary of another document.



You can find the other document on our website at consumer.vic.gov.au/sda



You can ask for help to read this document.

A friend, family member or support person may be able to help you.

What's in this agreement?

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What is specialist disability accommodation?



Specialist disability accommodation (SDA)

is accessible housing for people with disability.



SDA is part of the National Disability Insurance Scheme (NDIS).



If you want to live in SDA, you need to have funding for SDA included in your NDIS plan.



The housing is provided by an SDA provider.



It doesn't include the supports you need to live in your home or SDA.



You can get the supports you need to live in your home or SDA from a **Supported Independent Living (SIL) provider.**



Your SIL provider will support you with daily tasks to help you live independently.



It's important that your SDA provider and your SIL provider work together.

What is your Residential tenancy agreement?



This document is about your **Residential tenancy agreement**.



Your Residential tenancy agreement is an agreement between you – the **tenant** and your **landlord** or SDA provider.



You are the tenant if you pay money to live in a home that someone else owns.



When you live in SDA, we call you an **SDA resident**.



Your landlord is the person who owns the home you live in.

Your landlord might be an SDA provider.



Your agreement explains your:

- **rights** – how you can expect to be treated
- **responsibilities** – the things you must do.



You need to be given this information:

- 7 days before you sign the agreement
- in a way that you can understand.



You can ask for support to understand the agreement if you need it.



You and your landlord or SDA provider both need to sign the agreement.

You need to keep a copy of the agreement.



It is a legal contract under the law.

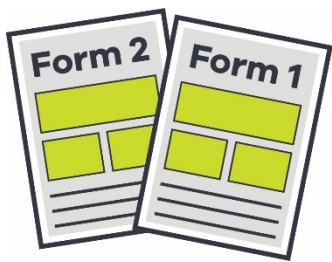


The law is called the *Residential Tenancies Act 1997*.



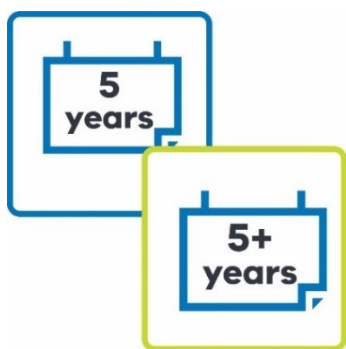
This law protects the rights of:

- tenants
- landlords and SDA providers.



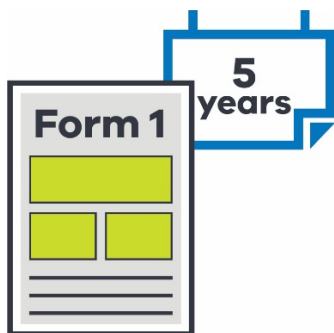
We have forms for landlords and SDA providers to use.

The law says they must use the forms.



There are 2 types of agreements you can join:

- one that lasts up to 5 years
- one that lasts over 5 years.



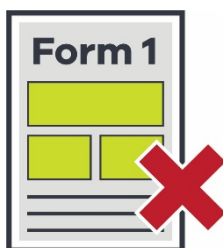
If you sign an agreement that lasts up to 5 years, you need to use Form 1 – Residential tenancy agreement.



If you sign an agreement that lasts more than 5 years, you can use Form 1 or Form 2 – Residential tenancy agreement.



There is another agreement that goes from month to month.



This agreement does not have a form.

A month-to-month agreement happens when:



- the end date on your formal agreement passes
- you do not sign a new formal agreement
- you stay in the home
- your landlord or SDA provider does not ask you to leave.



If you aren't sure which form to use, a friend, family member or support person may be able to help you.



When you move in, your landlord or SDA provider must also give you a booklet called *Renting a home: a guide for tenants*.



They can also give you a link to the guide if you agreed to get documents this way on Form 1 or Form 2.

What does a Residential tenancy agreement say?

Your agreement talks about:



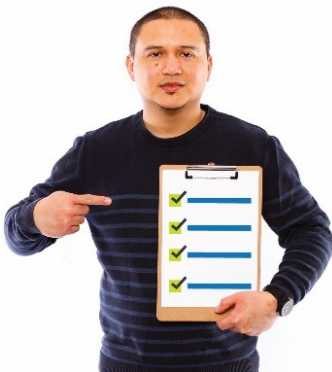
- the home or SDA you will live in



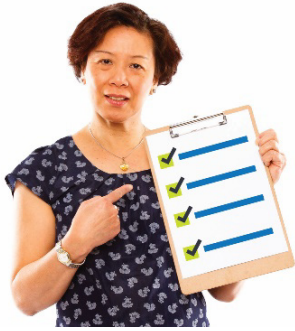
- you and any other people who will live in the home or SDA



- how long you will live in the home or SDA



- your responsibilities while you live in the home or SDA



- the landlord or SDA provider's responsibilities



- the rules of the home or SDA



- when your agreement ends



- your **rent** – how much you must pay to live in the home or SDA and how often you must pay it



- your **bond** – money that people pay before they can move into a rental property.

Condition reports



Condition report

| | |
|-------------------------------------|-------|
| <input checked="" type="checkbox"/> | _____ |
| <input checked="" type="checkbox"/> | _____ |
| <input checked="" type="checkbox"/> | _____ |
| <input type="checkbox"/> | _____ |

You and your landlord both need to fill out a **condition report** when you first move in.



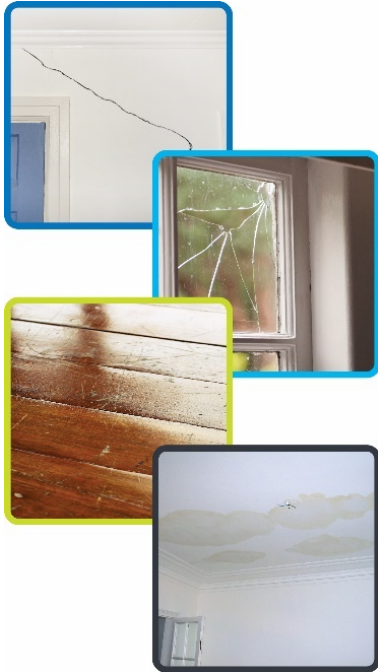
A condition report has a list of all the different rooms in the home.

You write notes in the condition report about:



- how clean the home is

- any marks, stains, scratches or cracks in the:



- walls
- windows
- floor
- ceiling.



You need to keep a copy of the condition report.



Your landlord or SDA provider will write another condition report after you move out.

Things you must do



There are things you must do when you live in the home or SDA.



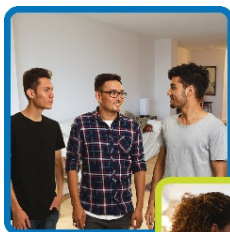
They are part of your agreement.



You must look after the home or SDA.



You must pay your rent on time.



You must respect:

- other people who live in the home or SDA
- staff who work in the home or SDA.



You must not do anything in the home or SDA that is against the law.



You must try not to cause any damage.



You must tell your landlord or SDA provider about any damage that happens.



You must keep the home or SDA clean.



You must tell your landlord or SDA provider if you want to transfer the agreement to someone else.



This means that they would take your place in the home or SDA.



You must tell your landlord or SDA provider if you want to rent a room to someone else.



You must respect your neighbours':

- comfort
- privacy.



If you don't do these things, your landlord or SDA provider can give you a **Breach of duty notice.**



A Breach of duty notice is like a formal complaint.



It explains:

- what the issue is
- how it needs to be fixed.



If you don't fix the issue, you can go to the **Victorian Civil and Administrative Tribunal (VCAT)**.



VCAT helps solve legal problems for people in Victoria in a way that is quick and fair.

Things your landlord or SDA provider must do



There are things your landlord or SDA provider must do while you live in the home or SDA.



They are part of your agreement.

Your landlord or SDA provider must make sure the home or SDA is:



- good enough to live in



- clean before you move in.



If your landlord or SDA provider doesn't do these things, you can give them a Breach of duty notice.

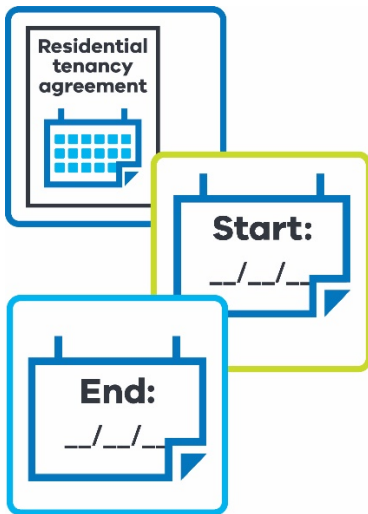
What is in your residential tenancy agreement?

Your agreement will have lots of important information about:



- you
- your landlord or SDA provider
- the home or SDA you will live in.

This includes:



- how long you will live in the home or SDA
- the date the agreement starts on
- the date the agreement ends on.

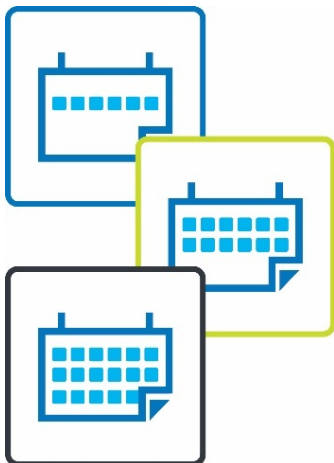
Your rent



Your agreement will tell you the date your first rent payment is due.



It will also tell you how often you must pay your rent.



You might have to pay your rent:

- each week
- every 2 weeks
- each month.



Your agreement will tell you how much your rent will cost.



Your landlord or SDA provider can only increase the cost of your rent every 12 months.



You can contact us if you don't agree with the increase.

We will look into it.



Phone: 1300 40 43 19

Monday to Friday 9am to 5pm



Website:

www.consumer.vic.gov.auconsumer.vic.gov.au

vic.gov.au



You can also contact VCAT.



You will still need to pay the extra rent while this is being worked out.

Your bond

Your agreement will tell you:



- how much your bond will cost



- the date your bond payment is due on.



Your landlord or SDA provider must send your bond to the Residential Tenancies Bond Authority (RTBA).



The RTBA looks after bonds for all Victorian tenants.

You can get your bond back when you move out if you:



- keep the home or SDA clean



- don't cause any damage to the home or SDA



- don't owe any rent.

Other charges



You have to pay for the services you use in your home or SDA, like:

- electricity
- gas
- water.



Your landlord or SDA provider has to pay to connect these services.

When can your landlord or SDA provider enter your home or SDA?



Your landlord or SDA provider can enter your home or SDA for certain reasons.



They have to tell everyone who lives in the home or SDA before they do this.



For example, they need to tell you 24 hours before if they want to show the home or SDA to a person who wants to buy it.



You need to be living in the home or SDA for at least 3 months before your landlord or SDA provider can ask for a **general inspection**.

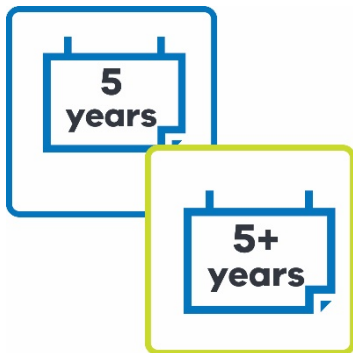


A general inspection is when they look through the home to make sure you are looking after it.

Ending your agreement



Your agreement will last for a certain amount of time.



This might be

- up to 5 years
- over 5 years.

When that time is over, your agreement will keep going month to month unless:



- you and your landlord or SDA provider sign another agreement for a certain amount of time
- you and your landlord or your SDA provider end the agreement.



There are different ways to end the agreement. We have explained these in more detail below.



Notice to vacate

This means you can no longer live in the home or SDA anymore.

This could be because:



- you haven't paid your rent
- you have done something in the home or SDA that is against the law
- repairs need to be made to the home or SDA.



Your landlord or SDA provider must:

- give you the notice in writing
- explain the notice to you in a way that you can understand
- include the date they want you to move out.



If you don't agree with the landlord or SDA provider, you can contact VCAT for a review.



Notice of intention to vacate

This means you don't want to live in the home or SDA anymore.



This could be because the home or SDA:

- has been damaged
- is not a nice place to live
- the landlord or SDA provider is not doing what they are meant to as part of the agreement.



You must:

- give the notice to your landlord or SDA provider in writing
- include the date you want to move out.



The amount of notice you have to give will change based on why you want to leave.



For example, you want to leave because you have given the landlord or SDA provider 2 Breach of duty notices and they have still not fixed the problem.



You must tell them 14 days before you want to leave.



Notice of termination

This means you want to end the agreement with your landlord or SDA provider before you have moved into the home or SDA.

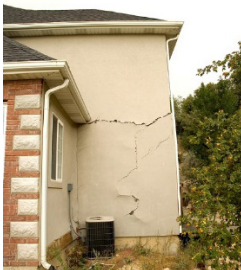
This could be because:



- other people still live in the home or SDA



- the home or SDA is not in a good condition



- the home or SDA has been damaged really badly



- the home or SDA is not safe to live in



- the home is not allowed to be an SDA



- the home or SDA is not available to live in.

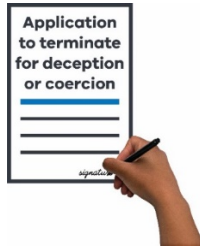


The landlord or SDA provider can also give you a Notice of termination.



They can do this if you haven't moved in yet and the home or SDA:

- is not in a good condition
- has been damaged really badly
- is not safe to live in.



Application to terminate for deception or coercion

This means that you want to end your agreement because you:



- were **deceived** – when someone makes you believe something that isn't true
- were **coerced** – when someone makes you do something you don't want to do
- did not get the information you needed in a way that you could understand.



You can go to VCAT and apply to end your agreement.



You can also ask VCAT to make sure a new agreement is made.



Possession orders

This means that the landlord, SDA provider or owner has given you a Notice to vacate, but you still haven't left.



If you haven't left 30 days after they have asked you to, they can ask VCAT for help.



VCAT will decide if you have to leave.



If you don't have someone supporting you, your landlord or SDA provider must explain what VCAT says needs to be done in a way you can understand.

Repairs to the home or SDA

Urgent repairs



If there is a problem with your home or SDA and you need it fixed quickly, you can contact your landlord or SDA provider.



They must make sure the problem is fixed within 2 days.



An urgent repair can include:

- a blocked toilet
- a big leak in the roof
- hot water not working.

Non-urgent repairs



If there is a problem with your home or SDA and it isn't urgent, you can contact your landlord or SDA provider.



They must make sure the problem is fixed within 14 days.



If they haven't fixed the problem by this time, you can contact us.



A non-urgent repair can include:

- a hole in the wall
- broken blinds
- leaking tap.

Community visitors



Community visitors are **volunteers** – people who choose to work for free.

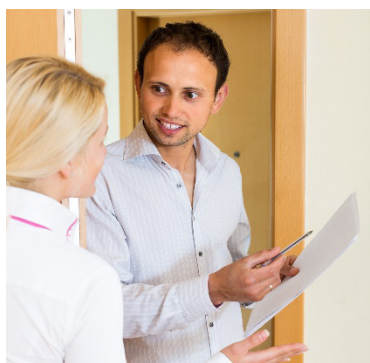


They will visit the home or SDA and make sure people living there are:

- being well cared for
- treated with respect.



They will also see if there is anything wrong at the home or SDA.



They may ask you questions about living in the home or SDA.

You can also ask for a community visitor to come to the home or SDA by contacting the Office of the Public Advocate (OPA):



Phone: **1300 309 337**

TTY



If you use textphone or modem, call the National Relay Service.

133 677

Give them OPA's number – **1300 305 612**



Email: opa_advice@justice.vic.gov.au

Website:



www.publicadvocate.vic.gov.au/our-services/community-visitors Community visitors page on the Office of the Public Advocate website

Extras



You and your landlord or SDA provider might have extra things you want to include in your agreement.



There is space in your agreement where you can write anything extra.



These extra rules:

- should be agreed by you and the landlord or SDA provider
- need to follow the law.



If you don't think an extra rule is right, you can contact VCAT.

Making a complaint



If you aren't happy with a service, you can make a complaint.



Complaints are important because they help fix issues and make the service better.

How to make a complaint about your accommodation



If you aren't happy with your home or SDA, you can contact your landlord or SDA provider.



Your complaint could be about:

- a problem in the house that hasn't been fixed
- an issue you are having with someone else living in the home or SDA.



Your landlord or SDA provider has ways to deal with any complaints properly.

How to make a complaint about your Continuity of Support Plan

If you aren't happy with your **Continuity of Support (CoS) Programme**, you can contact the Commonwealth Department of Health:



Phone: **1800 020 103**



Email:

CommonwealthCoS@health.gov.au



Website:

www.agedcare.health.gov.au/the-commonwealth-continuity-of-support-cos-programme-feedback-and-concerns



The CoS Programme supports older people with disability who are not part of the NDIS.

How to make a complaint about your SDA provider



If you aren't happy with your SDA provider, you can contact the NDIS Quality and Safeguards Commission:



Phone: **1800 035 544**

TTY



If you use textphone or modem, call the National Relay Service.

133 677

Give them the NDIS Commission's number – **1800 035 544**

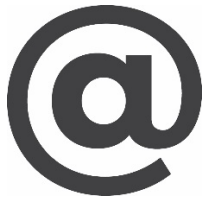


Website: ndiscommission.gov.au

Or you can contact the Disability Services
Commissioner:



Phone: **1800 677 342**



Email: complaints@odsc.vic.gov.au



Website: odsc.vic.gov.au

Word list



Bond

Money that people pay before they can move into a rental property.

Breach of duty notice

A Breach of duty notice is like a formal complaint. It explains:

- what the issue is
- how it needs to be fixed.

Condition report

A condition report has a list of all the different rooms in the home.

You write notes in the condition report about:

- how clean the home is
- any marks, stains, scratches or cracks in the:
 - walls
 - windows
 - floor
 - ceiling.



Continuity of Support Programme

The CoS Programme supports older people with disability who are not part of the NDIS.



General inspection

When your landlord or SDA provider looks through the accommodation to make sure you are looking after it.



Landlord

Your landlord is the person who owns the home you live in.

Your landlord might be an SDA provider.



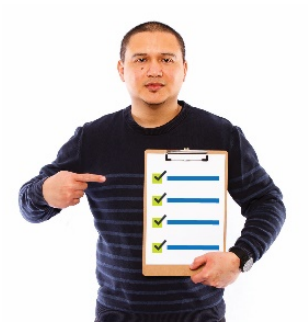
Rent

How much you must pay to live in the home or SDA and how often you must pay it.



Residential tenancy agreement

Your Residential tenancy agreement is an agreement between you – the tenant – and your landlord or SDA provider.



Responsibilities

The things you must do.



Rights

How you can expect to be treated.



Specialist disability accommodation

Accessible housing for people with disability. It is part of the NDIS.



SDA resident

When you live in SDA, we call you an SDA resident.



Supported Independent Living provider

People who support you with daily tasks to help you live independently.



Tenant

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Victorian Civil and Administrative Tribunal

VCAT helps solve legal problems for people in Victoria in a way that is quick and fair.



Volunteers

People who choose to work for free.

Contact us



1300 40 43 19

The cost is the same as a local call.

If you speak a language other than English, please contact TIS – Translating and Interpreting Service.



131 450

Ask to talk to an Information Officer at Consumer Affairs Victoria on

1300 40 43 19

TTY



If you use textphone or modem, call the National Relay Service.

133 677

Give them our number – **1300 40 43 19**



If you use Speech to Speech Relay call

1300 555 727

Give them our number – **1300 40 43 19**



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