

# TENANT NEWS

NEWSLETTER OF THE TENANTS' UNION OF NSW

# 107 AUGUST 2014



Ronald has been living in a Newtown boarding house since 1983. He is now 84 years old.

## BOARDING HOUSES: THEN AND NOW

By Sally Chalmers, Resources & Development, Boarding House Services,  
Newtown Neighbourhood Centre

When he was a young man, Ronald Bell moved with family to Sydney where they lived in a boarding house in Pyrmont for five years. The place had eight rooms, board was \$2 per week and included a furnished room with a laundry service.

It was close to the railways where Ronald and the boys worked doing mail runs across NSW. He laughs as he tells a story about catching (and occasionally missing) the mail bag with a giant hook!

At that time, boarding houses were for men only and mostly housed people from country areas, who needed somewhere affordable to stay while they visited or worked in the city.

When his father passed away, Ronald moved to another boarding house in Glebe where he lived for 10 years. Again this place had eight rooms, all the residents worked, and there were never any problems living there. You got good cheap accommodation for a good price.

Visitors were allowed, and sometimes stayed over. Ronald talks about sleeping on the floor in his room or another resident's room when

someone came to stay with him. There was no curfew or visiting hours, but all residents tended to respect one another's privacy. There were furnished communal areas inside and out where residents got together and socialised. As there were a number of bathrooms and a good-sized kitchen with working appliances, there were seldom issues with sharing facilities. The house was well kept by the owner.

*Continued on page 2*

### SPECIAL EDITION: **BOARDING HOUSES**

#### IN THIS ISSUE:

RONALD'S STORY 1

NINA'S STORY 2

TONY'S STORY 3

LIVING IN A  
BOARDING  
HOUSE:  
YOUR RIGHTS 4

TENANCY Q&A 5

THE BOARDING  
HOUSE  
OCCUPANCY  
PRINCIPLES:  
A QUICK GUIDE 6

ROOMSHARE:  
THOUSANDS  
LIVING IN  
UNREGISTERED  
BOARDING  
HOUSES 8

WALKING STEP  
BY STEP WITH  
RESIDENTS 10

GRETTA'S STORY 11

TENANT ADVICE  
CONTACTS 12

*Special thanks to  
Newtown Neighbourhood  
Centre for interviews and  
stories throughout.*

## NINA'S STORY

For the past 3 years Nina, aged 64, has been living in a large boarding house in Marrickville. The property has about 100 rooms (single and shared) filled with men and women of all ages and walks of life seeking affordable accommodation (\$150-\$180/week) in Sydney's Inner West. There is only one manager for the complex and they don't live on site.

Prior to living here she had been staying at an inner-city crisis accommodation for women and families. When Nina needed to move out, her options were extremely limited as her low income and lack of rental history made it very difficult to find affordable and accessible accommodation. Getting on the waiting list for Housing NSW was possible, but the wait would be more than 3 years. Even if she had the required bond money, the necessary paperwork and references required for private rental were non-existent.

So she moved, with her daughter, into a single room at the boarding house. It was convenient as she didn't need to pay bond, and they could share the rent. One slept in the bed and the other on the floor until eventually her daughter found alternative lodgings.

The condition of the premises is poor, quite unhygienic and the manager only calls in to collect rent from the residents. Nina cooks in her room to avoid using the communal areas; which in itself is a safety hazard. She says that 'keeping busy is her saviour' and spends her days out and about, volunteering and taking part in community activities, such as those on offer at Newtown Neighbourhood Centre.

It is evident that her current living situation puts her safety at risk. Police are called to the boarding house so often to solve disputes between residents or to address antisocial behaviour, often fuelled by drugs and alcohol, that locals refer to it as 'the other Marrickville Police Station'. Nina has learned to avoid areas where difficult residents

gather, and to not engage with them, as it only leads to confrontations.

When asked about her future accommodation options, she says that it's too much hassle and too expensive to move. Nina feels that having a roof over her head is a blessing, and she feels bad for rough sleepers. She knows she is in a better position than many people so is happy with her lot. 🏠

## RONALD'S STORY

*Continued from page 1*

Ronald has been living in a Newtown boarding house since 1983. His only remaining family connection lives outside of Sydney.

The boarding house has 10 rooms and he says that he loves living there. He knows all of the residents – even the 18 year old! He feels as though there is a sense of community in the house.

Sometimes the other guys check in on him and see if he wants help with washing or chores. Although the house is old and could do with some repairs, it doesn't bother him.

Ronald's room is small but homely and hundreds of his drawings and DVDs cover every available space, with a big TV in the middle. He loves his Meals on Wheels, which he heats up in his microwave. He is very content with his private space in a communal house. He doesn't have to be social all the time but can join other residents when he feels like it. Ronald is spending a lot more time in his room of late. He used to get out regularly for shopping and social outings but he is due for a hip replacement in coming months.

Although he lives on the ground floor, the steep steps up to the front door are more and more difficult as time goes by. He's hoping the boarding house manager will invest in a rail soon. 🏠



*Ronald is hoping the boarding house manager will invest in a rail soon.*





***“Loose power cords and over-filled power points are a common sight”***

felt he could shower there. Tony regularly washes his bedding and uses two cans of insecticide per fortnight to keep the bed bugs at bay.

He still gets bitten.

When asked about the other residents in the house, Tony shakes his head. He advises that when entering a boarding house, people need to be prepared for dysfunction and residents regularly using medications or drugs and alcohol. He believes that 80% or more of the residents have absolutely no idea about respect for others (or themselves). Most of them don't work, and spend little time outside of the premises.

Since living here he has experienced antisocial behaviour, violence and unreasonable levels of noise. The police are called to the house regularly to settle disputes between residents. The manager is nowhere to be found when this occurs.

This Newtown boarding house was easy to access, affordable, close to amenities and gives him his independence while he sorts out his other priorities. He feels that his current position is only temporary, making him able to accept the not-so-acceptable living standards. He feels that the duty of care of the operator is 'next to nothing'.

Tony is keen to take legal action regarding the unacceptable conditions in the house, and knows what he needs to do. However, Tony has chosen to do this when he is ready to leave, because of his fear of being evicted instantly for standing up to the landlord. He has seen this happen to several residents since he arrived. He is optimistic that his current housing status is not forever so is staying positive and making the best of his situation. 🏠

## TONY'S STORY

Within minutes of talking to Tony for the first time, he has painted you a clear picture of how he came to be in Newtown renting a single room in a boarding house for \$172/week. This is the first boarding house he has ever lived in and he has now been there for around 12 months. There are 13 rooms in this house.

Serving in (and surviving) Vietnam may have contributed to his ability to battle on despite what comes his way. Now 63, his life's ups include two marriages, having children and a successful career, but these positives have been punctuated by very difficult times such as caring for his ill wife, being widowed, surviving cancer, and his more recent separation from his second wife and young child.

Tony's relationship breakdown, separation and his subsequent poor financial position meant that boarding house accommodation was the only real option for him at this point in his life. He currently

receives a government Newstart allowance, more than half which he spends on rent. While his rental history would have given him access to the private market, the bond plus the setting-up costs of private, unfurnished accommodation was well beyond his means.

When he first arrived he was shocked at the condition of the house. He felt it was unclean, had a 'fierce' odour, and there was much disrepair in the communal living areas – particularly the bathrooms and kitchen which he still won't enter due to the horrific state they are in.

The manager (an elderly male resident) does not engage in any regular cleaning or arranging repairs so many areas are damaged, rundown and dirty. Appliances, the water heater and gas stoves are often broken. Loose power cords and over-filled power points are a common sight.

Tony himself cleaned the top bathroom for almost a month just to get it up to a standard where he

# LIVING IN A BOARDING HOUSE: YOUR RIGHTS

By Leo Patterson Ross, Tenants' Union Legal Support Officer

The introduction of the *Boarding Houses Act 2012* has brought in a system of rights and responsibilities that is quite new to a lot of people and can seem very confusing at first glance. But it is worth taking a little time to learn about your rights.

## AM I COVERED?

The Boarding Houses Act covers specific kinds of accommodation, but it doesn't try to determine what kind of contract you have with the landlord. A resident in a boarding house may nonetheless be a tenant or a lodger.

If you're a tenant, then it doesn't matter whether the building is a boarding house or not, you still have the same rights under the *Residential Tenancies Act 2010* as any other tenant in NSW.

## WHAT IF I AM A BOARDER OR LODGER?

If you are a boarder or lodger, then you need to work out if your boarding house is covered by the Boarding Houses Act. Essentially a boarding house is covered under the Act if it provides beds for five or more people who aren't an owner, manager or their families. Also, if a premises meets this definition it is required to register under the Act. (Although there are many registerable boarding houses which are not registered – see page 8).

If you think you are covered by the Act, then your contract with the landlord has to be consistent with the Occupancy Principles set out in the Act. Whether or not your contract is written down, your landlord has to make sure they provide you with accommodation in accordance with these principles.

## THE RULES

Your room and the common areas must be reasonably clean, safe and secure.

You are entitled to quiet enjoyment of the premises. This is a funny term that probably means you can expect that there isn't excessive noise or nuisance in the boarding house. It also means you can't be kicked out unless the landlord follows the rules.

The landlord is allowed to enter your room/s, so long as they do so at a reasonable time and with a good reason. This might mean during business hours for a regular inspection of the room, but at 4 am if there's an emergency such as a fire or flood.

You must also be told the rules of the boarding house before you move in. These rules might talk about lots of other things like visitors, curfews, music and common area usage. This is allowed, but the rules can't clash with the Occupancy Principles set out in the Act. (See page 6 for a Quick Guide to the Occupancy Principles.)

## CHARGES

You can be asked to pay:

- An occupancy fee (or rent). This can be increased from time to time with four weeks written notice.
- A security deposit. No more than two weeks, even if you pay it in instalments. This must be given back to you when you move out, unless you owe some money.
- Utilities such as electricity, gas or water. However, this applies only if you were told you would be asked to pay when entering the agreement. The landlord is only allowed to charge you for a portion of what it costs them to provide the utility plus a measure or estimate of your usage.

## TERMINATION

You must be told when you move in the reasons for which you can be given a termination notice and the timeframe for that notice. Notices can be for things like not paying the occupancy fee and breaching the rules of the boarding house.

The notice could also be for other things like the landlord wanting to sell the building, or have their family move in. The important thing is that you must be told the reason that you have been given a notice.

When you are given a notice, you must also check whether the timeframe you have been given is "reasonable". It might be that if you have attacked another resident you can be asked to leave with very little notice. However, if it is for some other reason it might be that it is reasonable for the period to be many weeks.

If the landlord has done the right thing and given proper notice then at the end of the period your permission to remain on the premises will be taken away and you may become a trespasser. It is important that if you are concerned about the notice of termination that you get advice before the end of the notice period.

**A boarding house might not call itself a boarding house. Common names for traditional boarding houses include "private hotel", "lodge" and "guest house". Other boarding houses might not call themselves anything at all!**

# TENANCY Q&A

Grant Arbuthnot, Tenants' Union Principal Solicitor

## WHAT CAN I DO IF I HAVE A DISPUTE?

The landlord must agree to a reasonable method of dispute resolution as part of the occupancy agreement. It might be that this can be mediation, but it can also be at the New South Wales Civil and Administrative Tribunal (NCAT).

The Tribunal can hear disputes about whether the proprietor has provided you with accommodation that matches the occupancy principles. You can ask for the Tribunal to make the landlord do something, or not do something (like kick you out), or pay you money if you are owed it; for instance if they aren't giving your security deposit back, or if they have asked you to pay too much money.

There might also be claims you could make as a consumer rather than under the Boarding Houses Act. Almost all boarding house operators are running a business and you have rights as a consumer. For instance, the Boarding Houses Act doesn't cover if the landlord destroys your goods - but you can make a compensation claim under the Consumer Claims Act. 🏠

**You can't be asked to pay penalties for breaking the rules or the agreement. Anything you do pay to the landlord, you must be given receipts for.**

**You do not need a lawyer to go to the tribunal, but you can ask for someone to represent you. For example, Tenant Advocates are specialists in representing tenants in the Tribunal and are free! See back page for contacts.**

**Q** I am a hospital social worker. One of our patients was living in a boarding house until last week. He was brought to hospital by ambulance. He is concerned for his belongings left at the boarding house and the money he paid as a deposit when he moved in. I phoned the boarding house.

The manager told me that:

- our patient's goods are safe
- they are being stored elsewhere
- our patient owes rent and
- the deposit will not cover the rent owed.

Our patient says that his agreement, rent receipts and deposit receipt were in a bag of documents in his room. He cannot remember what the agreement said in any detail, but said that his rent was paid up to the end of last week.

What can be done?

**A** There are some things to do. The *Boarding Houses Act 2012* and the *Consumer Claims Act 1998* may help.

The Boarding Houses Act requires boarding house occupancy agreements to be conducted according to a set of Occupancy Principles. Your patient's occupancy may have been terminated in breach of Occupancy Principle 10, which is about notice of eviction. The demand for money greater than the security deposit may be in breach of Occupancy Principles 3 and 8 which are about security deposits and penalties.

Occupancy Principle 3 prohibits penalties for breach of the occupancy agreement or house rules. This means that the boarding house proprietor is only entitled to compensation for actual loss caused by an occupant's breach, so the manager should have taken steps to relet the room as soon as the patient's goods were removed. Loss of rent should have been reduced in this way.

If the manager will not negotiate a satisfactory repayment of the security deposit, the patient can apply to the NSW Civil and Administrative Tribunal under the Boarding Houses Act for refund of the deposit. The Tribunal can decide how much money, if any, is owed to the boarding house proprietor.

Occupancy Principle 8 requires a security deposit to be refunded within 14 days of the end of the occupancy agreement, but this agreement ended when the manager removed the goods from the room. The time limit for application to the Tribunal is 28 days from the end of the 14 days.

The Boarding Houses Act remedy for goods left behind is for access to the premises to recover the goods. This will not work for goods that are no longer in the boarding house. So, if the manager will not organise for the goods to be handed over, the patient can apply under the Consumer Claims Act for return of the goods, assuming that the boarding house is a business. To use this Act it must be a business.

The time limit for a consumer claim is three years from the end of the occupancy agreement. But, do not delay. Both applications can be made at the same time within the general Tribunal time limit (see above).

I suggest a letter of demand to the manager of the boarding house. It should demand return of the goods and the security deposit and give a deadline for satisfactory response. You could mention the possibility of a Tribunal application. 🏠

**Contact your local Tenants Advice and Advocacy Service if you have questions about a Tribunal application. See back page for contacts.**



# THE NSW BOARDING HOUSE OCCUPANCY PRINCIPLES: A QUICK GUIDE

By Rafael Mazzoldi, Tenants' Union Resource Development Officer

Let's take a quick look at all twelve of the NSW boarding house occupancy principles as they currently stand. The following is a summary only: for complete advice and information about occupancy principles and your rights in general, contact your local Tenants Advice and Advocacy Service (TAAS) – see back page for contact details.

Buried down the back of The *NSW Boarding Houses Act 2012* (in Schedule One) is a list of occupancy principles applicable to all registrable boarding houses in NSW. If you live in a boarding house and you do not have a residential tenancy agreement then these 12 principles set out your basic entitlements as a resident.



## 1 State of premises

You are entitled to live in premises that are:

- a) Reasonably clean
- b) In a reasonable state of repair
- c) Reasonably secure

In general the term 'reasonable' reflects general society's expectations around cleanliness, repair and security.



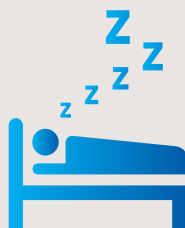
## 2 Rules

A boarding house may have rules – for example, about visitors or noise or the use of common areas. You are entitled to know what the rules are before you move in. Many boarding houses have quite extensive house rules and you should read them carefully.



## 3 Penalties prohibited

The proprietor of the boarding house cannot fine you, or demand other penalties for breaching an occupancy agreement or the rules of the boarding house. Sometimes it can be hard to distinguish a penalty from a cost. For example, you may be liable for the cost of repairing something you have broken but generally the proprietor cannot charge you an arbitrary amount as a fine for the same thing. If you believe you are being charged a fine – or 'fee' – you should contact your local TAAS.



## 4 Quiet enjoyment of the premises

You are entitled to quiet enjoyment of the premises. This means the proprietor must not try to stop you from occupying and

enjoying your room or using the common areas of the house as long as you do not interfere with the same rights of others.



## 5 Inspections and repairs

The proprietor or caretaker can enter your room/s to undertake repairs and for other 'reasonable' grounds – such as inspections – but they must do so at a reasonable time. For example, it would be unreasonable for the proprietor to knock on your door at 3am on a Sunday to conduct a cleaning inspection. It would however be OK, if your room was on fire for the proprietor to enter without notice.



## 6 Notice of increase of occupancy fee

The proprietor can increase the amount you pay for your accommodation (the occupancy fee), but they must give you at least four weeks written notice.

## 7 Utility charges

The proprietor can charge you for utilities (electricity, gas, water and oil) if:

- a) You were notified when you moved in that utility charges will be charged; and
- b) The charge is based on the actual cost of providing the utility by the proprietor and a 'reasonable' measure or estimate of your share is used to calculate that charge.

Note: The Australian Energy Regulator may require that separate meters be installed or that the property has a specific exemption before you can be asked to pay for energy (electricity, gas or oil). Contact your local TAAS if you need further advice.



## 8 Payment of security deposit

The proprietor can require a security deposit – sometimes referred to as a 'bond' – of not more than two weeks occupancy fee (or rent); make sure you get a receipt. This amount includes all sums of money held as security against you causing damage or breaching your agreement – the proprietor cannot add additional amounts beyond these. They cannot ask for a security deposit until they have actually entered into an agreement with you.

When you move out, the proprietor must repay the security deposit to you within 14 days. They can, however, keep money to cover any damage caused by you or someone you invited into the property, and certain other amounts that you may owe. You should seek advice from your local TAAS if you disagree with the amount that the proprietor is keeping from your security deposit.

## 9 Information about termination

You are entitled to know how and why your agreement can be terminated. You are entitled to know how much notice you will be given if you are evicted.

The proprietor must set out the reason for which you could be asked to leave. In general, your agreement should list all the possible grounds for eviction.



## 10 Notice of eviction

The proprietor cannot evict you without giving you 'reasonable' notice.

In determining what is reasonable the proprietor may take into account the safety of other residents and the caretaker. The eviction notice must be in writing. For example, a very short notice may be reasonable if you have threatened another resident, however, you should get a far longer period of notice if the landlord is merely planning to renovate your room.



## 11 Use of alternative dispute resolution

The occupancy principles require that you and the proprietor should try to sort out your disputes using a 'reasonable' dispute resolution mechanism. This

principle means that the proprietor must attempt to resolve any dispute with you through some reasonable mechanism, whether that is the NSW Civil and Administrative Tribunal (NCAT), a Community Justice Centre, a warning or some other form of mediation or negotiation.



## 12 Written receipts

Last but certainly not least, the proprietor must give you written receipts for any money you pay to them – whether it is for occupation fees, the security deposit, utility charges, or any other charges.



## CONCLUSION

The occupancy principles set out in the *NSW Boarding Houses Act 2012* may not solve every problem you may encounter as a boarding house resident, but they are a useful tool should you ever find yourself in dispute with the proprietor. If it looks like a proprietor is not following the occupancy principles then you may be able to apply to NCAT and get an order that the proprietor comply with them.

You should also bear in mind that most NSW boarding house residents are covered by the Australian Consumer Law as consumers. There are a number of obligations and rights that come from this law that can assist you in resolving disputes with the proprietor.

Good luck and happy occupancy! 🏠

# ROOMSHARE: THOUSANDS LIVING IN UNREGISTERED BOARDING HOUSES?

By Jemima Mowbray, Tenants' Union Support Officer

If you type 'roomshare' into the search engine of Gumtree, a popular online classified ads site, you're likely to bring up a listing with hundreds of advertisements for the Sydney region. Roomshare accommodation generally provides a bed in a shared room in a furnished flat or house. Often targeted at international students or travellers, it generally involves sharing a room in a rented flat or house with between one and five other people.

A typical ad on the Gumtree website for a roomshare reads something like "roomshare... we are looking for a clean, quiet, tidy girl/boy... 4 girls/boys share the room". Location is a key selling point, with most roomshares on offer in the Sydney region located in the inner city: "Beautiful flat in GOOD LOCATION ... near Central Station"; "perfect location 5 min to Central Station and UTS". Rents for a roomshare can range from anywhere between \$100 to over \$200 a week per person.

The Tenants' Union recently undertook a 'snapshot' analysis of roomshare advertisements on the Gumtree website. We found:

- A substantial proportion – 26 percent – of the accommodation advertised as roomshare during the period we undertook our snapshot analysis are *very likely* to be registrable boarding houses;
- An additional 18 percent of the roomshare accommodation advertised *may* be registrable boarding houses;
- Only two percent of premises that are very likely to be or may be registrable boarding houses are *actually registered* as boarding houses.

This raises an important question: if proprietors – landlords – are not complying with the requirement to register their premises as boarding houses, are they also not complying with other requirements under the Boarding Houses Act and other laws?

For more information on this, you can read our five page report, *Registrable boarding houses and the roomshare market* on the Tenants' Union website: [www.tenantsunion.org.au/130](http://www.tenantsunion.org.au/130)

## KNOW YOUR RIGHTS

If you respond to an ad like those described above and choose to share a room, you are probably doing so because it means you get to live in a location you otherwise couldn't afford. While you might know what you are getting into - in terms of how many people you will be sharing with and the general facilities and location of the flat - you are less likely to be aware of your legal protections and obligations in this kind of arrangement.

It can be hard figuring out what rights you have when you move in to roomshare accommodation. If you have an agreement with your landlord, or a written agreement with a head tenant, you might be a tenant with a range of rights and responsibilities under the *Residential*

*Tenancies Act 2010*. There is also, however, a chance that you might be a boarder or lodger. If you are a boarder or lodger and less than five beds are provided by the landlord at the property to you and other residents, you are most likely covered by common law (with very few protections). If there are five or more beds provided by the landlord (not including any occupied by the caretaker/landlord or their respective families), then your accommodation is likely to be a 'registrable boarding house'. This means you are covered by the *Boarding Houses Act 2012*. While your rights are not as strong as those of a tenant, the Act does provide you with some basic protections and entitlements, and allows you to apply to the NSW Civil and Administrative Tribunal to resolve disputes.

It's clear that working out your legal status if you are living in a 'roomshare' arrangement can be very tricky! If you are having difficulties in your accommodation, it is a good idea to speak to your local Tenants Advice and Advocacy Service. (See back cover for contact details.) They are able to help you find out where you stand, and can provide you with free legal advice.

Under the Boarding Houses Act a registrable boarding house is a premises that is the 'principal place of residence' for one or more lodger/s, and provides beds for five or more residents who pay some form of rent (not counting the proprietor – landlord – or manager of the premises). If a premises meets this definition it is required to register as a 'general boarding house' under the Act. 🏠



*Our snapshot of roomshare ads found almost half were likely to be registrable boarding houses, but only two percent were actually registered.*



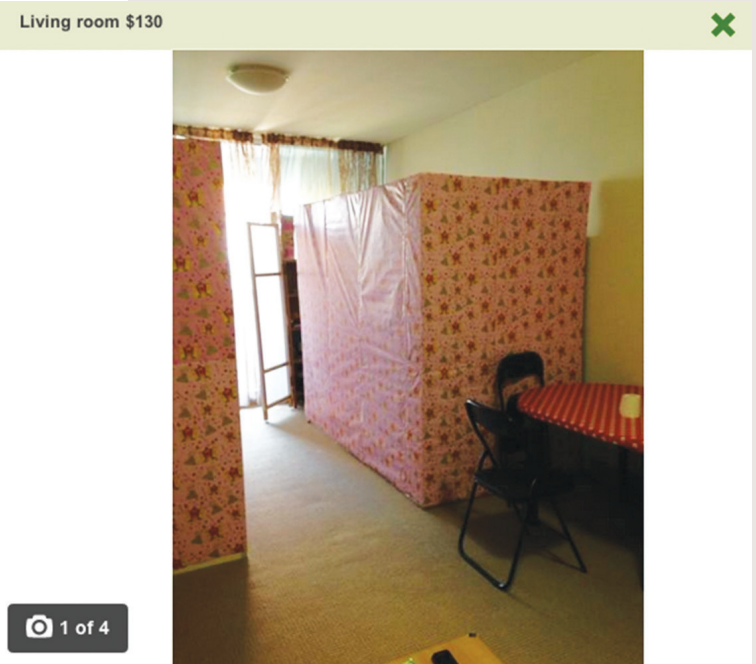
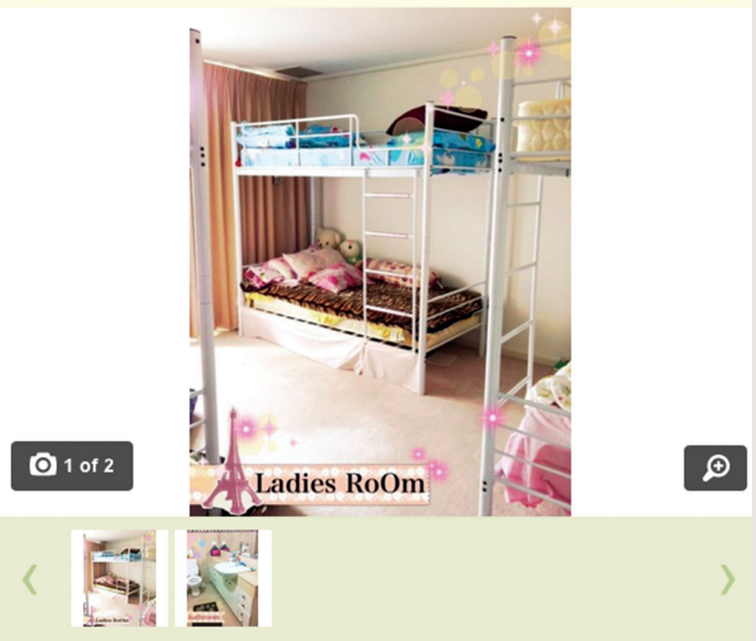
<b>Date Listed:</b>	01/10/2013	<b>Last Edited:</b>	01/10/2013
<b>Share Basis:</b>	Room Share	<b>Available:</b>	01/10/2013
<b>Bedrooms:</b>	2 Bedrooms	<b>Bathrooms:</b>	2 Bathrooms
<b>Smoking:</b>	Yes	<b>Furnished:</b>	Yes
<b>Parking:</b>	None	<b>Pet Friendly:</b>	No
<b>Gender Preference:</b>	Female		

Looking for one tiny girl in master room

\$110/pp/pw (3 girls in the room)  
 2weeks deposit\$220 and masterkeydepoist \$150 required.  
 available : NOW  
 free internet  
 all bill including  
 own desk  
 Wardrobe  
 master key  
 nice and clean house .  
 close to UTS, TAFE, china town , central and redfern station.

**NEED 1 TIDY FEMALE # MODERN APARTMENT# CBD #**  
**\$140.00**

Pitt Street, Sydney NSW 2000



Do you want to find out if a certain boarding house is registered? You can search the NSW Fair Trading Boarding House Register for free online at <http://parkspr.fairtrading.nsw.gov.au/BoardingHouse.aspx>

# WALKING STEP BY STEP WITH RESIDENTS

*Margaret Di Nicola, Tenants' Union Boarding House Education Project*

The *Boarding Houses Act 2012* was a landmark reform, and I've seen it working in action. I've spoken to a resident who applied to the NSW Civil and Administration Tribunal for a refund of his bond and got it back. I got caught up in his joy – high fives all around! It is really good to know that the long, hard work of staff from many agencies over many years has been worth it. The law now gives residents more options.

Then his question, "Yes, but can you find me a place to live?" brings me back down to earth. No high fives for the answer – "No, I can't". We've still got a way to go on that score. The interest in the faces of residents on hearing of the new occupancy rights can crumble when they realise that the legislation does not give them what they want most – a place to call home, forever.

Some boarding house residents are lucky. They find a place that suits them and can live for many years without fear of having to move on. Most, however, are not so lucky. And for the many residents who are dealing with health and lifestyle issues, moving on is often a remedy for dealing with those issues.

I have met some very dedicated and passionate people trying to make

life a bit easier for people living in boarding houses. That dedication and passion is displayed right across the spectrum of people involved in the provision of decent housing for people who may be marginalised.

There are community organisations consisting of case workers and counsellors, who literally walk step by step with residents – attending meetings at legal centres; arranging appointments and social outings; providing space for hobbies to be taken up; spending time talking for many hours – explaining, encouraging, urging.

There are boarding house owners who have registered with Fair Trading: these owners are following the requirements of the new legislation and prove that owners can still run a successful business while supplying the basic human needs of a safe, clean and comfortable place to live. There is no excuse for remaining 'under the radar'.

There are many staff in local government who care for the welfare of others and put extra effort into making sure that boarding house owners have proper fire precautions, adequate personal space for residents, hot and cold

running water. Staff can choose to give owners time to renovate, rather than close them down.

Boarding house residents are also an important source of information and support to each other.

There is a new wave coming of boarding houses providing cheaper accommodation for full-time employed workers. You may not recognise them as boarding houses; they will look more like new units – clean, functioning, "must be a good place to live". However, these new boarding houses still need to be registered and residents still need to be informed of their occupancy rights.

Owners are required to register their premises with NSW Fair Trading and local government is required to monitor boarding houses in the local government area.

It will be a good day when residents have more to celebrate with more 'high fives'. When it is taken for granted that occupancy rights are adhered to and residents are secure in a place to call home, forever.

The Tenants' Union is running a campaign to inform residents of their rights under the Boarding Houses Act. Rights such as not being charged more than two weeks occupancy fee as a security deposit and having the security deposit returned within 14 days of moving out. 🏠

**Would you like to participate in an education workshop about the Boarding Houses Act? Email: [margaret\\_dinicola@clc.net.au](mailto:margaret_dinicola@clc.net.au)**

**Do you have a question about your rights under the Boarding Houses Act? Call your local Tenants Advice and Advocacy Service for free tenancy advice. See back page for contact details.**





## GRETTA'S STORY

Gretta moved to Sydney from the Central Coast for a few important reasons. Firstly, to be in a better place for proximity to support services and transport, and secondly but more importantly, so she could access the social networks and activities that help her to enjoy life.

Being diagnosed with bipolar disorder means sometimes life is very challenging for Gretta. She has learned to manage this illness over time and with the right medication, but still struggles with other physical health conditions as well. Despite these illnesses, Gretta is full of humour and has a positive outlook, even though she has had some very difficult times finding a place to call home during her years in Sydney.

She's lived in a women's refuge and had social housing briefly in Redfern – where she mentions that someone actually held a syringe to her throat over a cigarette! Most of her accommodation has been in boarding houses in the Inner West.

When she first moved from the refuge into a boarding house she liked the independence, but felt very scared of being in a new place. Some residents would come back late at night, very drunk. The other residents would not ask them to be quiet or call the police as they didn't want to bring trouble to themselves, and as the only woman in the house Gretta would just keep her door firmly locked. She moved from place to place to try and find one that suited her. She doesn't mind her current place as it is in a suburb she likes, near transport and there are only six other residents which also makes it feel more like a home.

Gretta feels that her current living arrangement is acceptable, but it also contributes to her bipolar condition. She'd like to have her friends over but doesn't because other people in the house always want to know what's going on even when it's not their business. She says about her condition, "It's very frustrating when you know how you want things to be and they just can't



***"I do want to find my own place but I just can't afford it – unless I live in my own cardboard box somewhere!"***

be that way. I feel angry but if I show this then I'm likely to be booted out and back to square one, and this is why I isolate myself more."

Gretta is on a disability support pension. When asked how she manages financially she says "Rent always comes first. I can always go to a food van for the other basics." When asked about finding private rental she laughs and talks honestly about how it's impossible to find something on her own for less than \$300/week. She has tried to save up but it's impossible to save a 4-6 week deposit on her low income – as well as paying a month in advance. It's not only the money that's difficult. She talks about the hugely overwhelming task of getting a lease. The forms and paperwork

are very hard to understand and her rental history makes it difficult to get a good and reliable reference which is a priority for estate agents. She says "I do want to find my own place but I just can't afford it – unless I live in my own cardboard box somewhere!"

Gretta is a very outgoing individual when her mental health is going well, and participates in a theatre group called 'Milk Crate Theatre'. When she visits the Neighbourhood Centre in Newtown, she often sits and chats with a group of friends or workers. She's doing a Diploma of Community Services, and is looking forward to working as a social worker or in counselling, where she feels her experience will be instrumental in helping those facing similar challenges to herself. 🏠



# STAY IN TOUCH

The Tenants' Union of NSW is a membership-based co-operative and a community legal centre specialising in NSW residential tenancies law. We're also the peak body for the Tenants Advice & Advocacy Services.

The Tenants' Union has represented the interests of all tenants in NSW since 1976. We have a proven track record of improving tenancy laws and providing legal assistance and training.

We encourage you to support us in our work for safe, secure and affordable housing. Together we can achieve more. Please fill in this form, tick the appropriate boxes and return to the address below.

Name:

Organisation:   
(if applicable)

Address:

Email:

Phone:

## SUBSCRIBE (It's free!)

- ☐ Send me *Tenant News*.
- ☐ Send me the TU email bulletin.
- ☐ Send me  additional copies of *Tenant News* to give to others.

## VOLUNTEER

- ☐ I would like to participate in the TU's volunteer program.

## JOIN (You don't need to join to get advice or subscribe.)

I apply for membership of the Tenants' Union of NSW Cooperative Ltd as an: ☐ individual tenant ☐ individual (non-tenant)  
☐ tenant organisation ☐ organisation (non-tenant)

Membership fees (GST included):	1 year	5 years
Low wage / pension / benefit	\$8.00 <input type="checkbox"/>	\$35.00 <input type="checkbox"/>
Waged worker	\$16.00 <input type="checkbox"/>	\$70.00 <input type="checkbox"/>
Organisation	\$32.00 <input type="checkbox"/>	\$150.00 <input type="checkbox"/>

Donation: \$  Total: \$

Signed:  Dated:

Name (please print):

### Payment method

- ☐ Enclosed cheque or money order payable to Tenants' Union of NSW
- ☐ Deposit into our bank account below  
(for online deposits, please give reference: "MEM" plus your surname)

**Account name:** Tenants' Union of NSW

**BSB:** 062-004

**Account number:** 802624

**Address:** Suite 201, 55 Holt St,  
Surry Hills NSW 2010

**Phone:** 02 8117 3700

**Fax:** 02 8117 3777

**Web:** [tenantsunion.org.au](http://tenantsunion.org.au)



**TENANTS'**  
**UNION**  
OF NEW SOUTH WALES

## Get free tenancy advice



## Tenants Advice and Advocacy Services

Eastern Sydney 9386 9147

Inner Sydney 9698 5975

Inner Western Sydney 9559 2899

Northern Sydney 8198 8650

Southern Sydney 9787 4679

South Western Sydney 4628 1678

Western Sydney 8833 0933

Blue Mountains 4782 4155

Central Coast 4353 5515

Hunter 4969 7666

Illawarra South Coast 4274 3475

Mid North Coast 6583 9866

Northern Rivers 6621 1022

North Western NSW 1800 836 268

South Western NSW 1800 642 609



## Aboriginal Tenants Advice and Advocacy Services

Greater Sydney 9698 0873

Western NSW 6884 0969

Southern NSW 1800 672 185

Northern NSW 1800 248 913

Free Tenants Rights Factsheets

**Tenants NSW website**

[www.tenants.org.au](http://www.tenants.org.au)

### Tenant News

ISSN-1030-1054

**Views** expressed by contributors are not necessarily held by the Tenants' Union.

**Copyright** of *Tenant News* remains with the Tenants' Union of NSW & individual contributors.

**Printed** on recycled paper.

**Editor:** Julie Foreman

**Disclaimer:** Legal information in this newsletter is intended as guide to the law and should not be used as a substitute for legal advice. It applies to people who live in, or are affected by, the law as it applies in New South Wales, Australia.