

Plain English Fact Sheet

SHARING A HOUSE

Sharing a House with Other People Already Living in the House?

If you want to move into a house and share with other people, you need to know what your rights and responsibilities are under the law.

Sharing with others can be cheaper and a good experience where you can meet people and make new friends, but first you must do your homework and make sure you know what you are doing.

The best thing is for you to meet the other tenants that you will be sharing with and talk about the rules the other tenants already have in place.

Hopefully the house kitchen, laundry and lounge room will already be furnished (these areas are called 'common areas' which means everyone in the house can use them).

You will need to find out what your legal position will be. Make sure you fully understand what you are responsible for.

Ask as many questions as you need to.

There are two ways you can share:

1. If you are going to sign the tenancy agreement with the other tenants, then you will become what is called a 'co-tenant' and share all the rights and responsibilities of the tenancy. You will need to make sure you receive written receipts for any payments you make.
2. If you are going to live in the house but your name will not be put on the tenancy agreement, then you are what is called a 'sub-tenant'. That means you will generally share all the same rights as the others whose names appear on the lease. If there is only one person's name on the agreement, then they become what is called the 'head-tenant' and this person is responsible to the landlord for the place that you're living in and for paying the rent.

Setting Up Your Own Share House

If you decide to set up a house with a few friends, get together to talk about the sort of place you want to live in.

The sorts of things you need to talk about are:

- how much rent you all can afford.
- how much money will you need to cover moving in costs, such as rent in advance and the security deposit (bond) to be paid to the landlord/agent before you move in, also the electricity and phone connection.
- what furniture you will need (fridge, bed, cooking utensils).
- is there enough car parking space.
- who is responsible for the housework and garden maintenance.
- how many people do you want to live with.

Paying the Bond

If you decide to share with others, and you all put in money to pay the security deposit (bond), it is very important to make sure that the receipt for the bond has on it the name of everyone who has put in money for the bond.

This may not sound important at first, but if the receipt is in one person's name only, when you leave the place the landlord/agent will only give the money back to that person.

If that person leaves the house before you do, and you continue renting the place with new people, the landlord/agent will not give you the bond back as your name is not on the receipt.

Sub-Letting

There may be situations where you need to find another flatmate. The one you had moved out or you may need to find someone to help with the rent.

Sub-letting is where you give another person the right to stay in your rented place while keeping the tenancy in your name.

In these situations, you become what is called a 'head-tenant' with the responsibilities of a landlord when dealing with the other person who is a sub-tenant. As head-tenant you alone are responsible for paying the rent to the landlord and organising to have things repaired.

Before you sub-let you need the landlord's permission, and they can refuse your request. If you don't let the landlord know that you are sub-letting, then you are breaking the terms of the lease and you and/or the sub-tenants may be asked to leave.