Tenancy arrangements and rights

There are a number of different types of long term housing arrangements in Sydney:

- Formal written tenancy agreements
- Boarding and lodging arrangements
- Homestays
- Informal tenancies (unwritten or partly written)

For rental terms see [Glossary of rental terms](#).

Credit Tenants NSW source [www.tenants.org.au](http://www.tenants.org.au)

Tenant rights

As a tenant you have rights under the Residential Tenancies Act 2010 and Residential Tenancies Regulation 2010. The Act and the regulations set out a standard residential tenancy agreement that gives rights and obligations to landlords and tenants.

What this means is when you rent a property in NSW you have a standard formal agreement with the landlord. This agreement protects your rights as a tenant to enjoy your home peacefully and protects the landlord from tenants who may not pay rent or take due care of the property.

The Act covers private tenants who have a written or oral residential tenancy agreement.

People in share housing are generally covered by the Residential Tenancies Act 2010. For further information on share housing look at ‘Share Housing’ under ‘Types of Arrangements.’

Your rights and obligations under the Act [can be viewed here](#).

Share housing

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

People in share housing usually have their own bedroom and share the rest of the premises. Your rights and obligations will depend on your legal status. You may be:

- a co-tenant
- a head-tenant
- a sub-tenant, or
- a boarder or lodger.

Co-tenants, head-tenants and sub-tenants have rights and obligations under the Residential Tenancies Act 2010. Boarders and lodgers do not – see Boarders and Lodgers for more details.

Co-tenant
Your name and the names of other tenant/s are on the tenancy agreement for the premises. You share rights and obligations with the other co-tenant/s.

**Head-tenant**

You are a tenant (your name is on the tenancy agreement for the premises), you live at the premises and sub-let part of the premises to another person under a separate written agreement. That person is a sub-tenant.

You are a landlord in relation to the sub-tenant. For information about your rights and obligations as a head-tenant, [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au).

**Sub-tenant**

You are sharing with a tenant (their name is on the tenancy agreement for the premises) who has sub-let part of the premises to you under a separate written agreement. That person is a head-tenant. You have the rights and obligations of a tenant in relation to the head-tenant – they are your landlord.

People in share housing are generally covered by the Residential Tenancies Act 2010 and Regulation.

**Boarders and lodgers**

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

Boarders and lodgers are renters who pay for the right to occupy residential premises but who not covered by the Residential Tenancies Act 2010.

The Act excludes specific types of premises and types of agreement from its coverage. If you rent in one of the following types of premises, or under one of the following types of agreements, you will be excluded from the Act.

**Types of premises:**

- serviced apartments, hotels, motels and backpackers hostels
- club premises used to provide temporary accommodation
- premises used mostly for the purpose of trade, profession, business or agriculture
- residential colleges in educational institutions with some exceptions. (UNSW Student Accommodation/Residential Communities are covered under ‘licensing agreements’).

**Types of agreement:**

- agreements under which a person boards or lodges with another person (e.g. in a private home)
- certain agreements to occupy refuge or crisis accommodation funded under certain government programs
- share-housing arrangements where a person sub-lets part of a premises to another without a written tenancy agreement.

Unlike tenants, boarders and lodgers do not have the right to exclusive occupation of the premises – the landlord retains ‘mastery’ over the premises.

Boarders usually get meals as part of their agreement whereas lodgers do not.

**Renting in a boarding house**

If you rent a room in a boarding house, whether you are a boarder/lodger or a tenant will depend on how much control the landlord (or live-in manager or caretaker) has over the premises.
You are likely to be a tenant rather than a boarder/lodger, if you:

- have exclusive access to your own room (no-one else uses your room and you can lock it)
- do not get meals, linen, or cleaning as part of your agreement
- have your own cooking facilities
- do not have house rules enforced.

More information about boarders and lodgers can be found at [TenantsNSW](http://www.tenantsnsw.org).

**Homestay**

Credit Redfern Legal Centre, source [www.sharehousing.org](http://www.sharehousing.org)

Some vacancies may be advertised as ‘homestay’, which may include meals and pick-up services. For some international students, this may be an opportunity to stay with a family, improve their English and learn more about Australia. However, homestays can be costly and living with a host family could mean that you don’t have as much freedom – for example, the host family may have set mealtimes or curfews.

Two Homestay companies UNSW uses are:

- Auzzi Families
- Stay Down Under

**Informal arrangements**

This type of arrangement is not recommended as you are not protected by the [Residential Tenancies Act 2010](http://www.tenantsnsw.org) and [Residential Tenancies Regulation 2010](http://www.tenantsnsw.org).

It is important to formalise any living arrangement verbally or in writing (preferably in the standard residential tenancy agreement if you believe you are a tenant).

If you do not believe you are considered a tenant, boarder or lodger, contact your local [Tenants Advice and Advocacy Service](http://www.tenantsnsw.org) to discuss your situation.

**See next:**

[ Tenancy information >](http://www.tenantsnsw.org)