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 Tenants NSW 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

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

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’).

See next:

Tenancy information