



Freecall: 1800 812 953

Phone: 08 8982 1111

Web Site: www.dcls.org.au

Email: info@dcls.org.au

Postal Address: GPO Box 3180, Darwin NT

Location: 8 Manton Street, Darwin, NT

SHARE HOUSES

If you are living in a share house, your rights will depend on whether you are a co-tenant, a sub-tenant, or a boarder or lodger.

Co-tenant

You are a co-tenant if your name and the name of at least one other person is on the tenancy agreement. Co-tenants share the rights and responsibilities set out in the tenancy agreement, which means that if a tenant breaches a term of the tenancy agreement, the landlord can hold one or all co-tenants responsible. In this factsheet, a reference to a landlord generally includes a real estate agent or another person acting on the instructions of the landlord.

Sub-tenant

If your name is not on the tenancy agreement but you pay rent to another tenant and you have exclusive control over your room, you may be a sub-tenant. The person you pay rent to is your head-tenant. You have the rights and obligations of a tenant in relation to the head-tenant, who is effectively your landlord.

Boarder or lodger

A boarder usually receives meals from their landlord, whereas a lodger will not. If you are one of 3 or more people (other than the landlord, a member of the landlord's family or a caretaker of the residence) boarding or lodging at the property, and you have resided at the property for more than one week, the *Residential Tenancies Act 1999* (NT) ('the Act') applies to you. If you are a boarder or lodger not covered by the Act, the landlord or head-tenant must give you reasonable notice if they want you to leave. You must also give them reasonable notice when you want to leave.

A single rental payment period usually constitutes reasonable notice. For example, if you are paying rent on a weekly basis, one week's notice to leave is considered reasonable. See the DCLS 'Boarders and lodgers' factsheet for more information.

Moving into an existing share house

If you are moving into an existing share house, make sure the landlord agrees to this in writing. Find out if there is a written tenancy agreement and decide whether you want your name added to the agreement. Having your name added to the existing tenancy agreement means you will be a co-tenant.

If a landlord agrees to you living in the premises but does not want to add your name to the tenancy agreement, you will need to arrange with your housemates to become a sub-tenant or boarder/lodger. If you enter into a sub-tenant or boarding/lodging arrangement, you should write down the details of the arrangement and have it signed.

The person you pay rent to should give you a rent receipt each time you pay rent by cash or cheque. If you pay via electronic funds transfer, you are not entitled to receive a rent receipt. If you cannot get a rent receipt, keep a written record of each payment you make and ask the person who collects your rent to sign against each entry when they receive the rent.



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Problems can arise when one person living in the house does not pay their share of the rent. Even if you have paid your share, the landlord can take action to evict all occupants for rent arrears. You may be able to recover unpaid rent from a non-paying housemate by making an application to the Small Claims Division of the Local Court.

Leaving a share house

A co-tenancy does not end until all co-tenants leave the premises and return the keys. If only one co-tenant wants to leave, they must assign their tenancy to another person. This could be an existing tenant, or a new person moving into the premises.

If the co-tenant who is leaving does not assign their tenancy, they will continue to be responsible under the tenancy agreement. For example, if the remaining tenants damage the property, the landlord can still pursue the former co-tenant for compensation.

If a sub-tenant wants to leave, they must give the correct notice to the head-tenant. If a head-tenant wants to end the tenancy of a sub-tenant, the head-tenant must follow the same process as a landlord in a similar situation. See the DCLS 'Termination of tenancy by tenant' for information on how to end or assign a tenancy.

Resolving disputes

If you feel it is safe and appropriate to do so, you can attempt to resolve disputes by talking with your housemates. If this is unsuccessful, you can contact the Community Justice Centre, which offers a free mediation service.

Useful contacts

Darwin Community Legal Service

Phone: (08) 8982 1111

Freecall: 1800 812 953

Community Justice Centre

Phone: 1800 000 473

Email: cjc@nt.gov.au