

INNER MELBOURNE COMMUNITY LEGAL (IMCL)

We are a community legal centre based in North Melbourne and Kensington that provides free legal assistance to people experiencing marginalisation.

RENT INCREASES

TYPES OF RENTAL AGREEMENTS

(Short) fixed term: 6–12 months or up to 5 years.

(Long) fixed term: More than 5 years.

Periodic: Month to month (can go into effect after a fixed term agreement has lapsed and no new agreement has been entered into).

OVERVIEW

Before your rental provider can increase your rent, there are legal rules that must be followed in order for a rent increase to be considered 'legally valid'. If a rent increase is 'not legally valid', there are steps that you can take to challenge the increase.

WHAT SHOULD YOU CONSIDER?

- How often your rent is increased
- Whether the rent increase was given to you in proper form
- How much notice was given
- How much the increase is

HOW OFTEN CAN YOUR RENT BE INCREASED?

This depends on the type of lease that you are on.

Fixed term lease:

- Cannot be increased more than **once every 12 months**
- Cannot be applied during the fixed term lease, **unless** there is a 'rent increase clause' in your lease agreement that specifies by how much the rent will be increased

Periodic lease:

- **If the lease began after 19 June 2019:** rent cannot be increased more than once every 12 months.

If you have a residential rental agreement with Student Accommodation providers such as UniLodge or Scape, these rules will likely apply - your rent cannot be increased more than **once every 12 months**.

HOW SHOULD A RENT INCREASE BE GIVEN TO YOU?

The increase notice must be given to you using the official Consumer Affairs Victoria (CAV) form on the CAV website.

You must be given at least **90 days written notice**.

WHAT SHOULD YOU DO IF YOU GET A RENT INCREASE?

- If you want to challenge the rent increase (because it is invalid or the rent is too high), we encourage you to pay the increase **if** you are not able to **challenge or receive legal advice before** the start date of increase.
- If the rent increase is excessive, you can request a 'rent assessment' by Consumer Affairs.

You have **30 days** from the date of receiving the notice to challenge the increase and make a referral to Consumer Affairs.

- If you disagree with CAV's assessment, you have **30 days from receiving the report** to apply to the Victorian Civil and Administrative Tribunal (VCAT) for a hearing (an accessible tribunal to resolve disputes without having to go to court).

SUPPORTS AVAILABLE

01 IMCL
(03) 9328 1885

02 TENANTS VICTORIA
(03) 9416 2577

STUDY MELBOURNE HUB

P: 1800 056 449

A: 17 Hardware Lane, Melbourne VIC 3000

Please note: this publication is not legal advice. If you would like legal advice, contact IMCL on (03) 9328 1885.

