

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.

ENDING A TENANCY

ROOMING HOUSE AGREEMENTS

OVERVIEW

A Rooming House is where one or more rooms are for rent and the total number of people who reside in the property is 4 or more. Rooming House residents may also share a room and facilities such as bathrooms and kitchens.

Students who live in Rooming Houses are covered by the Rooming House provisions of the *Residential Tenancies Act 1997*.

If you are living in a Rooming House there are a few ways that you and the operator (the person who manages the property) can end the lease.

IF A RESIDENT WANTS TO LEAVE

ISSUING A NOTICE OF INTENTION TO VACATE

A notice to vacate is a formal, written document that states an intention to end the tenancy agreement. This can be issued by either the rental provider or the tenant.

The notice period required if you would like to leave, depends on the type of arrangement that you are on:

Fixed term lease (where there is an end date):

- 14 days notice is required

Not on a fixed term:

- 2 days notice is required

If you leave early, you will still be required to pay the remaining rent until the date stated on the notice.

Verbal or written notice can be given but **written notice is always recommended.**

IF THE RENTAL PROVIDER WANTS THE RESIDENT TO LEAVE

A NOTICE TO VACATE (NTV) ISSUED BY THE RENTAL PROVIDER

See below for the different notice periods and reasons why you may be asked to vacate.

Immediate NTV:

- You may be issued a NTV and asked to leave immediately if you:
 - Cause serious damage to the property
 - Put the safety of others at the property at risk or
 - Interrupt the quiet enjoyment of other residents

2 days notice:

If you are:

- Using the room for illegal purposes
- At least 7 days behind in rent

14 days notice:

- If you have seriously threatened or intimidated a rooming house operator

28 days notice:

- If you are on a fixed term agreement, the minimum notice period is 28 days

90 days notice:

- If you the operator has an intention to sell, renovate or repair the property

Note: Just because you have received a NTV, that doesn't always mean you have to leave the property. We recommend that you get legal advice as soon as you receive a notice to confirm it is 'legally valid'.

BY POSSESSION ORDER

- **Don't ignore a NTV**, as a rental provider may apply to the Victorian Civil and Administrative Tribunal (VCAT) for a 'Possession Order' where it will be considered whether you will have to move out.
- If the application is successful at VCAT, a formal order is made where you can be legally evicted.

Did you know: A resident can't be forced out, or have their possessions removed as a way for their tenancy to end.

SUPPORTS AVAILABLE

We recommend you get legal advice as soon as possible.

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.

