

Boarding house or tenancy?

The Inner West Tenants' Advice and Advocacy Service has seen a rise in the types of agreements that put residents in in the territory between tenants and boarders.

The rise of sharehousing websites and sharing tenancies on social media has seen a spike in the number of 'blended' agreements.

Many of these agreements list a 'sharehouse provider' or 'group living organiser' as the landlord. They often have unusual clauses in the contract that borrow from the traditional lease and an occupancy agreement (seen in boarding house agreements).

These agreements are tricky, because it isn't immediately obvious as to what the agreement actually is. The person who signed the lease may think that they are a tenant, but that isn't always the case.

What is a tenant?

A tenant is someone who is covered by the *Residential Tenancies Act 2010 NSW*. These agreements are usually between you and the owner of the property. Not everyone falls under the category of a tenant.

If you do not have a written agreement, are in a sharehouse or are paying your rent to someone who does not own the property (a head tenant), you may not necessarily be a tenant. Please contact us for some advice on your tenancy status.

What is a lodger?

A lodger is someone who does not have a written (or other) tenancy agreement. Lodgers have very limited legal rights in tenancy law. The NSW Civil and Administrative Tribunal does not have the power to deal with disputes if you are a lodger.

For example, if you have come into a sharehouse and do not have a written agreement with your head tenant, you may be a lodger.

What is a boarder and what is a boarding house?

A boarder is covered by the *Boarding Houses Act 2012 NSW*. A boarding house provides residents with a place to live. There must be 5 or more beds in the property, excluding the owner or property manager. Boarders usually sign an 'occupancy agreement' which outlines how much money you will pay, how often and identifies which particular room will be yours. These agreements are usually between you and the manager.

The blended agreements: what to look out for? (this is not an exhaustive list)

Agreements that refer to you as an 'occupant';

Agreements that are between you and a 'sharehousing' or 'share accommodation' provider;

An agreement that requires a 'security deposit' instead of a bond;

An agreement that includes all amenities (like cleaning, water, internet etc) in the rent;

An agreement that is called a 'licence to occupy' or an 'occupancy agreement';

Any agreement that has house rules listed; or

An agreement that identifies your specific room with an ID or specific name;

If you don't have a written agreement, your agreement is one that isn't from the Office of Fair Trading, or you want further information on the different types of housing arrangements, reach out to Marrickville Legal Centre for tenancy advice.