



Renting in strata

Many tenants in the eastern suburbs of Sydney live in strata scheme apartment buildings. Although your tenancy agreement is with your landlord, living in a strata building means you and the landlord have some additional rights and obligations. This fact sheet provides information about those rights and obligations.

Before the tenancy starts

Copy of by-laws

If you enter into a tenancy agreement for a property that is part of a strata scheme, your landlord must give you a copy of the by-laws before you enter into the agreement.

Disclosure of major works

Before you enter into a tenancy agreement, your landlord must tell you about any scheduled rectification work or major repairs that are planned to be carried out on common property during the fixed term of the agreement. For more information about this, please see our factsheet on building defects in strata buildings.

"Moving in bond"

Some strata owner's corporations tell tenants they have to pay an additional "moving in bond" to cover the cost of any damage to common areas that might occur while you are moving into the property.

Tenants do not have to pay a moving in bond to strata, and landlords also cannot pass on the cost of any "moving in bond" that Strata may charge them for.

If you do cause damage to common property, you should contact your local Tenants Advice & Advocacy Service (TAAS).

At the start of the tenancy

Keys & opening devices

Landlords must give each tenant named in a residential tenancy agreement a copy of all keys or opening devices required to access the residential premises and any common property which the tenant is entitled to access. The initial copies of these keys must be provided free of charge, however if tenants require additional or replacement copies the landlord can charge for this.

During the tenancy

Repairs to common property

Landlords have an obligation to provide and maintain the residential premises in a reasonable state of repair - this includes common property and facilities such as lifts.

If strata is responsible for repairing common property, your landlord has a duty to use their legal relationship with strata to compel them to carry out the repairs - in other words, a landlord cannot avoid their obligation to repair common property by simply telling you that it is strata's responsibility.

If your landlord is not taking action to ensure that repairs to common property are done, you can ask the NSW Civil & Administrative Tribunal (the Tribunal) to make orders against the landlord, these are discussed below.

Applying to the Tribunal

There are a number of orders that tenants can ask the Tribunal to make if there are outstanding repairs that are not addressed by your landlord.

These may include:

- **Repairs:** The Tribunal can make an order that the repairs be carried out (this may involve your landlord having to take action against strata to compel them to carry out the repairs)
- **A rent reduction or partial rent abatement:** The Tribunal can order that your rent be reduced if there has been a withdrawal or reduction of goods, services or facilities that should have been provided to you under the agreement. If it is not your landlord that has withdrawn these services or facilities, you may instead be able to get a partial rent abatement. Both rent reductions and rent abatements can be backdated to the time when the issue started.
- **Breaking your lease:** Outstanding repairs may be grounds for terminating your agreement early (for example, if the landlord fails to get the repairs done or if the property becomes uninhabitable). If you are thinking of breaking your lease you should contact your local TAAS for advice.

Need more information or advice?

If you live in Sydney's Eastern Suburbs you can contact EATS on 9386 9147 or at www.eats.org.au/contact-us

Otherwise, you can find the contact details of your local TAAS at www.tenants.org.au

You can find your local community legal centre at <https://www.clcsw.org.au/>

Breach of strata by-laws

Although your legal relationship is with your landlord, if you breach the strata by-laws for your building then the owner's corporation might issue you with a breach notice and there is a risk that you could be fined.

If you receive a breach notice, you should contact your local Community Legal Centre to get advice.

Things to remember

◆
Before you sign your agreement, the landlord must tell you if strata is planning rectification work or major repairs.

◆
You do not have to pay strata a "moving in bond" to pay for any damage you might cause when you are moving into the property.

◆
Your landlord must try and make strata repair problems with common areas, they can't just tell you that it is strata's responsibility and do nothing.

◆
If you can't use common areas or other facilities in the apartment block, you might be entitled to a rent reduction or an abatement of your rent.