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David GRUBB® real estate

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tenant information



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applying for tenancy

When you wish to rent a property, you will be asked to fill in an Application Form. In filling out this form, you will be asked to identify yourself similarly to how a bank asks for identification where so many points are required for identification. Acceptable forms of identification are things such as:

- A Drivers Licence
- A Passport
- Photo Identification
- A Major Credit Card

Beyond this, you will be required to supply information about where you have previously rented, and in some cases a rental reference may be required. When this Application Form is completed, David Grubb Real Estate Pty Ltd will process this, within 24 – 48 hours turnaround, and will notify you of the results of your application.

Commencing the Tenancy

Once your Application for Tenancy has been approved by both the Agent, and in some cases the Landlord, there is certain documentation that must be completed. However, prior to signing anything, the Agent must give you a copy of:

- The proposed Tenancy Agreement (including the Special Terms and Conditions)
- An RTA Form 1 Condition Report (three pages) already filled out by the Agent
- A booklet - The Renting Guide - Your Rights and Responsibilities as a Tenant in General Tenancies

Length of Tenancy

The standard terms of tenancy in NSW are between six and 12 months. While many Landlords are currently accepting six months, there is a trend that would suggest that in future, 12 months will become the standard.

Lease Terms

Tenants should note that in NSW the Act specifically states that it is illegal to contract outside of the Act. In plain terms, this means that, even if a Landlord and Tenant were wishing to agree to certain conditions of the tenancy, if these terms were illegal under the Residential Tenancies Act, it would be considered "contracting outside the Act". Under the amendments to the Residential Tenancies Act in December 1998, it became law that a standard Tenancy Agreement be used throughout NSW. Some standard clauses that are in every David Grubb Real Estate Pty Ltd lease are to do with the requirements to:

- clean carpets upon leaving the property; and
- do pest control internally; and
- do pest control externally if there has been a pet at the property

Beyond this, there are other clauses to determine acceptable water usage for Council areas where water usage is on a user-pays basis.

If you do not understand any of clauses that are in the lease, you should ask the Property Manager or Agent before signing the Tenancy Agreement.

Condition Reports

The final important thing to remember when you sign your Tenancy Agreement is that you will be given a Condition Report by the Agent. There are steps that you are responsible, as a Tenant, to take, as follows:

- You will be supplied a minimum of two copies of this report, and you must fill out the Tenant's side of the report and return one copy to the agent
- **THIS REPORT MUST BE RETURNED TO THE AGENT WITHIN SEVEN DAYS (7) OF COMMENCEMENT OF THE TENANCY**
- If you are renting a furnished property, you must be given a list of inclusions which you will be signing for in the Tenancy Agreement, but the condition of these inclusions should be noted upon entering the property
- In the RTA Condition Report there are columns marked:
- CLEAN
- UNDAMAGED
- WORKING

These boxes should be ticked if this is the case. If it is not the case, they should be crossed and a note put in the Comments section to the right hand side. In general, you should not have to make many comments on the reports as the condition as laid out by the Property Manager will be accurate.

What it Costs

Rental Bond

In NSW under the Residential Tenancies Act you will normally be required to pay a bond equivalent to four weeks rent. Under the Act, you cannot be required to pay an amount in excess of four weeks rent except where the property rent is equivalent to or exceeds \$500 per week. Bonds for properties in these circumstances must be negotiated directly with the Agent.

When you are signing up your tenancy, you will be asked to sign a DEPT OF FAIR TRADING Form, which is a Lodgement of Bond. This form notes the full amount of the bond and the apportionment between the Tenants noted on the tenancy.

The Agent, on behalf of the Landlord, must then lodge this bond to the Department of Fair Trading within seven days. Upon processing of this Lodgement form and bond by the DFT, a receipt will be issued to both you, the Tenant, and the agent noting a bond number. This form should be kept in your tenancy folder as you will need the reference number on this receipt at the end of your tenancy.

Documentation Costs

In NSW it is legal to charge either the Tenant or the Landlord a cost for documentation usually \$15.00 inclusive of GST. However, this should not be confused with an Agent's right to charge a Landlord a letting fee which can be the maximum of one week's rent, or to charge the Tenant for reimbursement of a Landlord's costs. In the case of a Tenant breaking a lease, in these circumstances they will be responsible for paying the cost of finding a replacement Tenant which will be charged to the Landlord for the Agent providing this service.

Paying Rent

PLEASE NOTE: Once application is accepted first payments of Rent and Bond must be made by money order or bank cheque within 24 hours of acceptance. Bond cheque is to be made payable to the RTBA on a separate cheque – one cheque for both payments will not be accepted.

Methods of Payment of Rent

As society continuously takes steps towards becoming a cashless society, other more convenient forms of rent payment are being offered to Tenants. David Grubb Real Estate Pty Ltd's office offers, two forms of rent payment as follows:

- 1. Commonwealth deposit book:** As a tenant you have the option of paying the rent how and when you want. There are 2 different options for you to pay – At any Commonwealth Bank, Internet payments or if you are a little busy and always forgetting the due date for the rent, why not utilise our, " Direct debit " option. When you sign your tenancy agreement you will be provided with full instructions including your unique Deposit book No.
- 2. Auto Direct Debit:** - It is easy to set up and once you complete the Direct Debit forms, we will do all the work for you. No hassles, no worries, no fuss. If you would like your rent to be paid automatically, simply complete the paperwork provided by David Grubb Real Estate Pty Ltd with the date that your rent is due, the amount of rent to be paid and what frequency and we will do the rest. The rent will be deducted from your nominated account on the due date. This is the easiest one of all!

Rent Increases

Most Tenants will be on a fixed term tenancy during which the rent cannot be increased. However, during this fixed term period the rent may be increased from the completion of the fixed term period by David Grubb Real Estate Pty Ltd on behalf of the Landlord by providing you, the Tenant, with one month's notice. The lease agreement is not renewed, and the tenancy becomes periodic, you are required to be given 60 days notice of any rent increase.

During the Tenancy

Upon taking possession of your rental property, you have a right to expect that you will have "peace and quiet enjoyment" of the property, i.e. an Agent or Landlord cannot be calling at the property on a regular basis and, beyond this, without due notice. As a balance to this, you also, when signing your Tenancy Agreement, agree to give the same respect to your neighbours of quiet and peaceful enjoyment.

Inspections

David Grubb Real Estate Pty Ltd, on behalf of the Landlord inspects all properties approximately every six months (except as otherwise agreed with the Landlord). It is a requirement that Tenants be given seven days notice for these inspections, with a four-days allowance for postage. In general, David Grubb Real Estate Pty Ltd will give you 14 days so as to give plenty of notice.

The objective of these inspections is to check on the maintenance and repair such that if a Tenant has maintenance concerns that are not urgent, this is an ideal time to bring them up. Further to this, on behalf of the Landlord, it is an Agent's job to check that the property is being kept in a proper state by the Tenant.

Maintenance & Repairs

During the tenancy, depending on the property, there may or may not be a requirement for a tradesperson to be called to the property. If you, as a Tenant, have a maintenance problem at your property, you should ring during business hours to your Agent giving as much detail as possible as to the problem or fill out a maintenance form by clicking here. Please remember that when notifying Agents of problems that you also need to arrange access. In most cases, David Grubb Real Estate has a set of management keys, which will access to the property.

David Grubb Real Estate uses only trusted tradespeople who, in 90% of cases by arrangement with yourself, will enter your property while you are out or at work and carry out the required repairs with no inconvenience to you.

If there are other special considerations such as a dog that needs to be taken into account, these circumstances should be conveyed to your Property Manager when notifying of the requirement for maintenance.

Ending the Tenancy

Giving Notice

When ending a tenancy, written notice must be given by the Agent to you, the Tenant, or by you to the Agent if a Tenancy Agreement is to be ended in a legal manner.

For an Agent to give notice to you, we must use a standard Form.

For you to give notice to a Landlord, you must use the standard form Notice of Intention to Leave Form

These forms have plenty of instructions on them and are simple to use.

It is essential upon vacating a property that you return your keys to David Grubb Real Estate promptly. It should be noted that rent will be charged up to and including the date of return of the keys. If you have given the proper notice, you will be supplied with a Key Return Envelope upon which you can record your name, current address, forwarding address and insert your keys. This envelope is also recommended to be used for putting receipts of completion of carpet cleaning and any other works that have been completed on the property.

Final Inspection

As soon as is practical after the completion of the tenancy, your Property Manager will do a final inspection of the property. This final inspection will be done as a comparison against the original condition as stated in the Condition Report for the property. On assessing the condition, fair wear and tear will be taken into account, but beyond this, you will be responsible for returning your property to its original condition. Information guides are available from David Grubb Real Estate clearly laying out David Grubb Real Estate's Standard Vacate Cleaning Procedure. If you stick with this guide and complete all of your other responsibilities during the tenancy, it will make for a speedy return of your full bond.

Bond Refunds

To get a bond refund a claim form must be completed. Your Agent, David Grubb Real Estate, will complete this form for you. You should arrange, upon agreement with your Property Manager, to sign this form to minimise the time delay in having your bond returned.