

‘Inquiry into the accommodation needs of tertiary students in the ACT’

Submission from the ACT Youth Law Centre

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON EDUCATION, TRAINING AND YOUTH AFFAIRS

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porter AM MLA**

Introduction

The ACT Youth Law Centre provides free and confidential legal advice to young people aged 12-25 in the ACT. Between 2006 and 2011, the Youth Law Centre advised 26 tertiary students on tenancy issues.

Our submission relates to three points of the Standing Committee’s Terms of Reference for the inquiry:

1. Current accommodation options for students enrolled in ACT tertiary education institutions
3. Student experiences of current accommodation options in the ACT [*with an emphasis on the experiences of international students*]
7. General factors influencing availability and access to appropriate accommodation for 18-25 year olds

Summary of Accommodation Options

Colleges: Most legal issues arose in context of rental **outside** the college system at universities

- **92% of clients** had issues related to either public or private rentals outside university

Shared Houses: 62% of clients were living in shared accommodation

- **Significant number** living with other university students

Types of Leases:

- **Written lease: 81%** of clients had written leases.
 - o In some cases, clients did not receive a copy of their lease, or were uncertain of their status (for example, as occupant or tenant)

- **Unwritten lease:** 19% of clients had unwritten leases.
- **Sub-lease:** 19% of clients had sub-leases.
 - o One client was signed to an unlawful sub-lease

Summary of legal and other issues

Eviction

- 15% of clients were given short notice of eviction (in half of these cases, tenants were given only 12 hours notice to vacate property).

Affordability

- There were 2 main issues related to affordability:
 - o falling into arrears in rental payments; and
 - o rent increases.

Disputes

- 30% of clients had a dispute over damage to the property, bills for amenities and other fees
- 30% of clients had a dispute which involved payment of rent

Landlords and real-estate agents

- 25% had problems with the landlord withholding the bond or rent monies
- 14% of clients had difficulty with harassment or invasion of privacy by a landlord
- 19% had problems with landlords refusing to address or improve problems with the condition of the property
- Other issues included landlords disputing rent or bills for amenities
- Some clients had difficulty contacting their real-estate agents and ensuring the timely removal of names of people from the lease who were no longer occupying the premises

Housemates

- 11% of clients were requested to leave the house prior to expiration of lease by their housemates
- A small percentage of clients received harassment from their housemates
- Other issues included co-tenants leaving prior to expiration of lease and withholding bond and advance rent payments from clients.

International students and Students from culturally/linguistically diverse backgrounds

International students and students from culturally/linguistically diverse backgrounds made up a significant percentage of clients seen regarding tenancy issues (50%). According to Toby Paltridge *et al.*,¹ ‘the ongoing spate of violent attacks, as well as revelations of exploitation by unscrupulous landlords and employers has damaged Australia’s reputation in the higher education market’. This indicates that the statistics and problems recorded by the YLC may be indicative of wider problems.

These clients experienced some common issues, in particular relating to:

- informal and illegal lease arrangements;
- harassment and abuse; and
- exploitation by landlords, including the imposition of unreasonable fees.

- **Type of accommodation**

The majority of clients (9/13) were in private rental with one client in student accommodation and three in ACT housing accommodation.

- **Return of Bonds/rent paid in advance**

6 clients sought help on the return of their bonds and rent paid in advance by landlords/sub-lessors (due to the imposition of unreasonable fees at the end of the lease, unsubstantiated claims of damage, the sudden termination of the lease or the need to leave due to personal safety concerns)

- **Sub-lease**

4 clients had issues related to sub-leases including the illegal subleasing of accommodation, the termination of a verbal sublease and the need to leave accommodation due to domestic violence.

- **Landlords**

3 clients noted difficulties with landlords including racial abuse, the addition of unreasonable fees at the end of the lease and the landlord entering the client’s room without permission.

- **Verbal agreements**

3 clients had no written lease and only a verbal agreement.

¹ Tony Paltridge, Susan Mayson and Jan Schapper ‘The contribution of university accommodation to international student security’ 32 *Journal of Higher Education Policy and Management* 4, 2010, 362.

Thank you for taking the time to read this submission. We hope that it can be of assistance to the inquiry.

This submission was prepared by paralegals at the ACT Youth Law Centre.