

## CONSUMER AFFAIRS - TENANCY

### Boarders, Lodgers & Sub Tenants

#### **AM I A BOARDER OR A LODGER?**

If you have been given permission to stay at another person's house, and have your meals provided and pay rent, you are most likely a boarder.

If you have been given permission to stay at another person's house and pay rent but are not supplied with meals, you are most likely a lodger.

#### **HOW IS A TENANT DIFFERENT FROM A BOARDER OR LODGER?**

A tenant has

- A right to 'exclusive possession' of the place in which they are staying, and
- A term of tenancy, that is the length of time they are given permission to stay in the house.

A right of 'exclusive possession' means the right to exclude anyone, including the landlord/owner, from the premises or a part of the premises.

As a tenant you are covered by the *Residential Tenancies Act*, which gives you greater security. The Act also applies to boarders and lodgers in situations where a person boards or lodges for more than a week and is one of 3 or more persons who boards or lodges at the residence. This does not include the landlord, a member of the landlord's family or a caretaker of the residence.

#### **WHO IS A LANDLORD?**

A landlord is the person who provides the room(s) and gives permission to the boarder or lodger to live there.

If you are a boarder or lodger, your landlord keeps control over the house (even if you have a key) and can come into the house without giving any notice.

#### **WHAT IF I'M RENTING A ROOM FROM AN EXISTING TENANT?**

If you rent all or part of a house from an existing or 'head' tenant, the head tenant should obtain approval from the landlord before you move in.

In this situation, whether you are a sub-tenant or lodger depends upon the agreement between you and the head tenant. If it was agreed you could have exclusive possession of all or part of the house (such as a room) you are a sub-tenant. If you are staying in a room and paying rent to the head tenant as a lodger, the head tenant still needs the landlord's approval.

#### **HOW DO I KNOW IF I'VE GOT EXCLUSIVE POSSESSION?**

Exclusive possession is defined as the right to exclude all others, including the owner or landlord, from the house or room being rented.

This is different from exclusive 'occupation' or 'use' where you may have your 'own' room in which no one else can stay without your permission.

#### **WHAT SHOULD I DO BEFORE I MOVE IN?**

You should first decide what type of accommodation best suits your needs and whether you want the landlord to provide you with cooked meals and/or clean your room.

Ask yourself these questions first:

- How much is the rent and can I afford it?;

- Does the rent cover electricity, water or telephone?; If not how will they be charged?;
- What services will be offered by the landlord and at what extra cost, ie linen, laundry, meals?;
- If you have a special need for medical assistance or diet, will these be provided and at what costs?;
- How long do you want to live there?;
- Will there be a penalty if you leave after a short time?;
- If you decide to leave, how much notice do you need to give, and how much notice will you receive if the landlord asks you to leave?;
- Do the rules of the house suit you and your lifestyle?;
- How much do you have to pay before you move in?;
- Do you have to pay a security deposit? If so, make sure you ask for a receipt which shows what the payment is for, ie part may be for the security deposit and part for rent. The receipt must show the period of rent covered
- Make sure you obtain from the landlord, in writing, the grounds on which claims against the security deposit can be made at the end of the period of boarding/lodging

### ***CAN I BE EVICTED?***

You can only be evicted when an Order has been given by either the Commissioner of Tenancies or a court.

---

#### **For further information contact Consumer Affairs**

Old Admiralty Towers, 68 The Esplanade, GPO Box 1722, Darwin NT 0801  
Ph: 08 8999 1999 - Fax: 08 8935 7727

or

Level 1, Belvedere House, Parsons Street, PO Box 1745 Alice Springs NT 0871  
Telephone: 08 8951 8606 Fax: 08 8951 5442

**or phone 1800 019 319**

Email: [consumer@nt.gov.au](mailto:consumer@nt.gov.au)

Web site: [consumeraffairs.nt.gov.au](http://consumeraffairs.nt.gov.au)

---

**General Disclaimer:** The material contained in this publication is intended for use as a guide and for general information only. It is not intended to be a substitute for independent professional advice. The Northern Territory Department of Justice accepts no responsibility or liability for the correctness, accuracy and completeness of any of the material contained in this publication and recommends that users of this publication exercise their own skill, care and judgment in the application of the information contained in the publication.