

Consumer Affairs and Fair Trading

Fact Sheet

January 2017

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Evidence required to support a bond claim

A guide for tenants and property owners

Where a dispute arises as to the payout of a bond at the end of a tenancy, the Residential Tenancy Commissioner determines how much each party will receive, based on evidence supplied. All parties to the lease will be invited to supply information to support their claim.

An owner should summarise their claim using the *Summary of Evidence* form and attach all documents indicated on that form. Importantly, under the legislation an owner **MUST**:

- keep a rental ledger during the tenancy; and
- complete an ingoing condition report, providing two copies to the tenant at the beginning of the lease, which is a tenant is to sign and return; and
- have evidence of an 'actual financial loss'. This means the owner has paid an amount of money to a professional third party to remedy any issues caused by the tenant.

Without these documents, it may be difficult to establish your claim.

The information required will vary depending on the nature of the claim and the specific circumstances; however, **some general guidance on what is required for common claims is provided below/overleaf.**

You may also choose to lodge other documents to support your claim, such as:

- Letters or emails between both parties
- Reports from professionals
- Any relevant orders issued by the Magistrates Court

Evidence should be forwarded to the Commissioner by:

Email: RTC@justice.tas.gov.au (use email if possible)
Post: PO Box 56 Rosny Park 7018
Fax: (03) 6173 0205

Note: The information provided here does not constitute legal advice. You should consider the specific circumstances of your claim in deciding what information to submit and, if necessary, seek further advice as to what evidence the Commissioner may require to determine the dispute.

Type of claim	Evidence you need to provide
<p>All claims</p>	<ul style="list-style-type: none"> • Completed Summary of Evidence form • Copy of the lease
<p>Rental arrears</p> <p>Where a tenant vacates the property and the tenant owed rent to the date they vacated.</p>	<ul style="list-style-type: none"> • Copy of the lease • Copy of the tenant ledger • Bank statements/rent receipts showing last payment made • Any Notice(s) to Vacate/Terminate (if applicable)
<p>Rental loss</p> <p>Where a tenant 'breaks their lease', they are liable for rent until the end of the lease, or until the property is relet, whichever occurs first.</p> <p>An owner must take all reasonable steps to re-let the property quickly, for example: by advertising as soon as possible; and not unreasonably rejecting a prospective tenant's application.</p>	<ul style="list-style-type: none"> • Copy of the lease • Date tenant left the property and date of notice of their intention to leave • Copy of the tenant ledger/bank statements/rent receipts • Evidence of advertising • Any information about applications received to rent the property after the tenant vacated the property
<p>Advertising</p> <p>A claim for advertising costs can only be made where it is shown that the tenant broke the lease early and the owner had to advertise the property earlier than had the lease term been completed.</p>	<ul style="list-style-type: none"> • Copy of the lease • Details regarding the early vacation (i.e. evidence of when the tenant vacated the property) • Copies of tax invoices/receipts for services provided for the advertising
<p>Cost of repairing damage Cost of cleaning Cost of gardening</p> <p>A tenant must leave a property as close as possible to the condition it was in at the beginning of the lease, save for reasonable wear and tear.</p> <p>If you undertake repairs, cleaning or gardening yourself, you may only claim for the cost of products purchased to complete the work and the costs of the professional entity who did the work; you cannot claim for <i>your</i> time spent completing the work.</p>	<ul style="list-style-type: none"> • Condition reports - ingoing and outgoing • Photographic evidence of the damage, cleaning or gardening required, before and after • Any work orders to the service provider • Copies of invoices/receipts showing dates and costs • Receipts of products purchased to undertake the works • Details of any repair requests from tenant (if relevant) • Insurance details - including receipt for payment of excess (if relevant)
<p>Water usage</p> <p>You can only claim:</p> <ul style="list-style-type: none"> • where the property has an individual water meter; and • the water usage charge from the tenant, not any fixed or infrastructure charges. 	<ul style="list-style-type: none"> • Copy of the lease AND: • A copy of the water bill(s) from the provider <p>OR</p> <ul style="list-style-type: none"> • Meter readings taken immediately before and after the tenancy, with calculations using proven daily consumption rate

Contact details

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Phone: 1300 654 499 Fax: 03 6173 0205

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