

1.2 Some Tips for Giving Tenancy Advice & Information

- ⇒ **Listen. Use an interpreter when necessary.**
- ⇒ **Look at relevant documents (ask the tenant to fax them or read them out over the phone).**
- ⇒ **Actively seek out the facts and explore the problem.**
- ⇒ **Explain all the options and consequences, so the tenant may choose the best course of action.**
- ⇒ **Provide appropriate assistance, written information and/or a sample letter.**
- ⇒ **Keep notes of the case and copies of documents.**
- ⇒ **Follow up with the tenant and get feedback.**

People giving tenancy advice and/or information to tenants need to ensure that they have all the relevant information from the tenant before they provide any advice, information or help.

The tenant must decide what action they will take and, in order to make the best decision, they should be provided with advice and information on all options along with an explanation of any possible ramifications.

The provision of information or advice should assist tenants in the resolution of their tenancy disputes, with court action being an avenue of last resort. However, it is the tenant who must decide on which course of action to take.

Be mindful that some tenants may not know what information to provide the advocate/community worker, or may not be familiar with the jargon used in legislation and tenancy agreements.

The advocate/community worker will often have to ask questions to elicit the relevant facts. For example, a tenant may say to the advocate, "I do not have a tenancy agreement". This does not necessarily mean that they are illegally occupying the premises; they may have an expired written fixed term agreement, or a verbal contract

The advocate/community worker should ask a few key questions to facilitate information that the tenant may not be aware is relevant. Sometimes it is useful to ask for the same information in a couple of different ways, to give the tenant an opportunity to give you all the information they have.

Listed below are some suggestions of what questions to ask tenants upon initial contact:

- How long have you been renting the property?
- Is there a written tenancy agreement? Whose name is it in?
- Is it a fixed-term or periodic tenancy agreement?
- If it is a fixed term tenancy agreement, what is the end date?
- Are there any clauses in the tenancy agreement linked to the problem at hand?
- Have any notices been served? If yes, what are they?
- Have any time limits been imposed?
- What has been done so far to resolve the problem?
- Has anything been confirmed in writing?

The advocate/community worker should keep in mind that:

- If at all possible, reference should be made to the sections of the *Residential Tenancies Act (1987)* when giving out information and/or advice that applies to a tenant's situation. It may be useful to provide the tenant with a copy of the relevant section/s of the Act, particularly when the tenant wants to quote the Act when communicating with the owner/agent.
- Not all people have English as their first language. The Telephone Interpreter Service is available 24 hours a day and should be used when necessary. The Telephone Interpreter Service may be contacted by phoning **131 450**.
- Some people find it difficult to be assertive and ask for their rights when dealing with a person in a more powerful position. It might help if you draft with them what they could say to the owner/agent, and then have a practice run.
- Manual chapters have been designed to be read by tenants. The "You" used in this Manual talks directly to the tenant, rather than the community worker. Community workers are encouraged to photocopy relevant sections of the Manual to give directly to their clients as a self-advocacy tool, as per the copyright statement below:

COPYRIGHT:

Individual sections in this Manual may be reproduced and distributed to tenants without obtaining permission from Tenants Advice Service, provided the source is acknowledged and the information is distributed on a not for profit basis. Permission must be obtained from Tenants Advice Service for reproducing parts of the Manual for any other purpose.

Notes on seeking advice from Tenants Advice Service

- It may be a conflict of interest for TAS to take the side of one tenant against another, particularly in regards to shared housing.
- TAS is generally able to assist sub-tenants in dispute with a head-tenant, but we are unable to assist head-tenants who are in dispute with their sub-tenants. This is because head-tenants have the rights and responsibilities of a landlord in relation to their sub-tenants. We are also unable to assist in co-tenant disputes. See chapter [1.10 Shared Tenancies](#) for more information.
- The information contained in this Manual is intended as a guide only. If your agency is helping a client with a tenancy matter, TAS is happy to talk with you about it and provide further information, assistance and referral where possible. Workers may contact TAS' Tenant Advocate on our administration number **(08) 9221 9499** for this assistance. Tenants cannot be directly assisted on this number – see chapter [1.12 Community Contacts](#) for a list of direct tenant service providers.