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Features Article

Students living off – campus: be vigilant when flat-hunting!

It is that time of the year when many young men and women are preparing to leave their sweet homes to come to towns and cities, filled with excitement and hope to fully enjoy another phase of their lives - the university life.

Students living off-campus often face problems with their landlords. They get into sticky situations when hunting for flats because they are unaware of their rights as a tenant, and not familiar with the laws regarding landlord and tenancy.

In the last four years, the Consumer Council of Fiji received little less than 1,000 landlord and tenancy complaints. Sadly, tertiary students and first-time job-holders also make up the Council's statistics for the tenancy cases.

Some of these young tenants faced many issues such as landlords giving them notice to vacate at eleventh hour, closing of main gates at a fixed time thus violating tenants' right to move freely in and out of his/her rented premises, bond money not returned after vacating, no repair works carried out despite several requests, increasing rent although rent freeze order is in place, entering tenants flat without approval, not issuing receipts for rent paid, and landlord coming up with new rules and so forth.

The most unpleasant encounter for students is when they get locked into contracts full of unreasonable and unfair clauses which bind them completely.

The landlord tenancy issue lies at the centre of the Council's advocacy work and it has the following advice for the students living off-campus:

- Before you pay your bond, you should confirm with the landlord whether it will be refunded if you decide not to rent the flat. Have the landlord write this information on the receipt—it could save you from fighting to get the bond refunded;

- Thoroughly inspect the condition of the flat before moving in. To protect yourself from forfeiting the bond money, it is advisable that you do a walk-through of the premises with the landlord, recording each problem that exists in the flat. Also take pictures of such damage and give a copy of the list of damage to the landlord to avoid dispute when you decide to move out;
- Do not rely on oral agreements. It is highly recommended that you obtain a written contract;
- Read the contract before you sign. Look for any unfair terms/conditions as well as landlord and tenant's obligations. You may also negotiate your own additional terms or modify terms which you think is unreasonable. Any such changes must be agreed by both the parties and reflected in the tenancy agreement;
- Talk to your landlord about the rules in particular what may be non-negotiable so that you are clear on the rules before moving in. For instance, time of the closing of the main gate of the house or visiting of friends and relatives.

Students living off the campus also have responsibilities as tenants. How can you be a responsible tenant?

- Pay your rent on time;
- Keep the noise level down;
- Take responsibility for your guests and their behavior;
- Avoid damaging the premises;
- Inform the landlord when repairs are needed. Put your requests for repairs in writing and keep a copy; and
- Inform the landlord, in writing when you plan to move out by giving a month's notice.

Case Study 1

Yusuf, a first year tertiary student from Nadi, rented a room in Suva but after a while, his landlord ordered him to vacate the room without giving him a month's notice. This left Yusuf with no choice but to scout for another room. However, his problem did not end here. Yusuf was further troubled by the landlord with the issuance of a notice demanding payment of \$100 per day till he vacated the flat.

This caused unwanted stress to Yusuf as his exams were around the corner. He lodged a complaint with the Council. The Council liaised with the landlord after which the landlord stopped bullying Yusuf with a \$100 charge per day and a proper written notice was also issued to Yusuf to vacate.

Students are particularly vulnerable tenants. For many, it is their first tenancy and their first contract. They are often naive and they treat their landlords as authority figures and hesitate to assert themselves in the landlord-tenant relationship.

Remember you can always contact Consumer Council or Commerce Commission for any advice in respect of your tenancy issues with your landlord.