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FEATURE ARTICLE

### **Navigating Tenancy in Fiji: Know Your Rights and Responsibilities**

Renting a home is an essential part of life for many Fijians, particularly in urban areas where housing demand continues to grow. Whether you are a tenant searching for suitable accommodation or a landlord renting out your property, tenancy can often present challenges. Issues such as unclear rental agreements, sudden evictions, disputes over bonds, and poor living conditions are common for tenants, while landlords often face challenges like unpaid rent and property damage.

The Consumer Council of Fiji has in the past, given many advisories to tenants and landlords however, tenants continue to face issues in Fiji which has prompted a timely reminder from the Council on property leasing and renting. This feature article explores the key issues faced by both tenants and landlords in Fiji's rental market, provides practical tips for protecting your rights, and highlights how the tenancy system can be improved to benefit everyone.

#### **The Rental Market in Fiji: Growing Demand and Pressures**

Urban centers like Suva, Nadi, and Lautoka are experiencing rapid urbanization, which has placed significant pressure on housing availability. The migration of rural residents to these urban areas in search of better opportunities has led to increased demand for rental properties. This surge in demand has, in turn, driven up rental costs, making it challenging for many families to afford adequate accommodation. Adding to these challenges is the prevalence of informal rental arrangements. Many tenants and landlords rely on verbal agreements, which can lead to misunderstandings and disputes over rent, maintenance, and bond refunds.

#### **Common Challenges Faced by Tenants in Fiji**

##### **1. Lack of Written Agreements**

In Fiji, the absence of formal rental agreements is a widespread issue. Many tenants rely on verbal arrangements with landlords, which can result in unclear terms regarding rent, lease duration, or repair obligations. Without a written agreement, tenants are vulnerable to sudden rent hikes, disputes over responsibilities, and even evictions.

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The Consumer Council has always emphasized the importance of formalized agreements to mitigate these risks. Written agreements provide clarity, ensuring that both parties understand and respect their obligations. However, the lack of awareness about the necessity of these agreements leaves many tenants unprotected.

## **2. Bond Disputes**

Security bonds, often required upfront, are intended to cover potential damages or unpaid rent. However, disputes regarding bond refunds are common in Fiji. Tenants frequently report landlords withholding their bond without justifiable reasons or adequate evidence of property damage.

The Council strongly urges that deductions from bonds be fair and transparent, yet many tenants are unaware of their rights. Clear documentation, such as condition reports and photographs, can help tenants protect themselves in such disputes.

## **3. Poor Living Conditions**

Inadequate housing conditions are another critical issue faced by tenants. Problems such as leaking roofs, broken plumbing, pest infestations, and faulty electrical wiring are reported regularly. Despite these being the landlord's responsibility, tenants often end up bearing the cost of repairs due to power imbalances in rental relationships.

Previous research conducted by the Consumer Council reveals that many tenants face poor maintenance which is a major concern.

## **4. Unlawful Evictions**

Sudden and unlawful evictions remain a significant challenge in Fiji. Instances where tenants are forced to vacate their homes with little or no notice are common, leaving families in vulnerable situations. Tenants who are unaware of their rights or lack access to legal support are particularly susceptible to these actions.

## **Challenges Faced by Landlords in Fiji**

### **1. Non-Payment of Rent**

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For landlords, one of the most significant challenges is tenants failing to pay rent on time or defaulting entirely. This is especially problematic for landlords who depend on rental income to meet their financial obligations, such as mortgage repayments or maintenance costs.

In Fiji's current economic climate, with rising costs of living and fluctuating employment rates, non-payment of rent has become increasingly common. Landlords without written agreements or formal payment records may find it difficult to pursue legal recourse.

## **2. Property Damage**

Landlords frequently face issues of tenants causing damage to rental properties. Without proper documentation, such as pre- and post-tenancy inspection reports, landlords may struggle to recover repair costs or withhold bonds.

This issue underscores the importance of conducting thorough property inspections and maintaining clear records. By adopting these practices, landlords can minimize conflicts and safeguard their investments.

## **How Tenants Can Protect Themselves**

### **1. Insist on a Written Agreement**

A formal rental agreement is the cornerstone of any tenancy. It should outline all key terms, including rent, bond conditions, maintenance responsibilities, and notice periods. Having this document not only protects tenants but also provides a basis for resolving disputes.

### **2. Document Property Condition**

Before moving in, tenants should conduct a detailed inspection of the property and document its condition through photographs or videos. This evidence can serve as crucial proof in the event of disputes over damages.

### **3. Keep a Record of Payments**

Tenants must ensure all rent payments are documented, either through receipts or bank transfers. This can protect against false claims of non-payment and provide evidence in legal proceedings if necessary.

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## **How Landlords Can Safeguard Their Interests**

### **1. Use Clear Agreements**

Landlords should always use written agreements to establish clear expectations for both parties. A comprehensive agreement can help avoid misunderstandings and reduce the likelihood of disputes.

### **2. Conduct Regular Inspections**

Routine property inspections, conducted with proper notice to tenants, allow landlords to identify and address maintenance issues early. This proactive approach can save costs in the long run and help maintain property value.

### **3. Maintain Open Communication**

A respectful and transparent relationship with tenants can go a long way in resolving conflicts amicably. Open communication fosters trust and cooperation, making it easier to address concerns as they arise.

## **Improving Tenancy Practices in Fiji**

### **1. Mandatory Registration of Agreements**

To enhance accountability, Fiji could introduce a system for registering rental agreements with a government agency. Such a measure would provide an official record, ensuring that both tenants and landlords adhere to agreed terms.

### **2. Implementation of a tenancy act**

Fiji currently lacks a Tenancy Act to clearly define and safeguard the rights and responsibilities of tenants and landlords. The Consumer Council of Fiji has been a strong advocate for introducing such legislation to ensure fair treatment and protect the interests of both parties. Implementing tenancy laws would promote transparency, reduce disputes, and create a more stable rental market.

### **3. Knowledge of tenancy rights**

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Lack of awareness about tenancy rights and responsibilities is a common cause of disputes between tenants and landlords. Many tenants unknowingly accept unfair terms or endure unacceptable living conditions due to limited knowledge of their legal entitlements. Understanding and exercising your rights as a tenant not only safeguards your own interests but also contributes to a fairer rental environment for everyone. By being informed, tenants can address issues like unreasonable rent increases, withheld bonds, or poor maintenance standards confidently and effectively, reducing conflicts and fostering mutual respect in rental agreements.

## Conclusion

Tenancy is an essential aspect of housing in Fiji, but it comes with its fair share of challenges. By understanding their rights and responsibilities, both tenants and landlords can foster better relationships and avoid unnecessary disputes. With the right steps, Fiji's rental market can become more equitable and accessible, ensuring that everyone—from young professionals to families—has a place to call home.

If you have complaints or need assistance regarding tenancy matters, you can contact the National Toll-Free Line: **155**.

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