If you have fallen behind in rent as a result of COVID-19, you can apply to the Residential Tenancy Commissioner (RTC) for a repayment plan to pay off the debt. If your application is approved, the RTC will issue a Rent Arrears Payment Order.

Tenants and landlords are encouraged to make a repayment plan. CBOS has developed the Residential Tenancy Rental Arrears repayment plan agreement template (see Appendix A) for you to use. You can submit this agreement to the RTC for an Order to formalise the arrangement.

If tenants and landlords are unable to come to an agreement about repaying rent arrears, a tenant (or tenant advocate) can apply to the RTC to make a Rent Arrears Payment Order which formalises a repayment plan.

# What is a Rent Arrears Payment Order?

A Rent Arrears Payment Order is an Order issued by the Commissioner which outlines how a tenant will pay outstanding rent to the landlord or agent. This is for rent arrears during the COVID-19 emergency period starting **27 March 2020 and ending on 1 December 2020**.

**A Rent Arrears Payment Order is binding. If a tenant fails to make a payment as directed in the Order, they can face eviction.**

## Who is eligible to apply for an Order?

Only tenants or tenant advocates can apply. You can submit an application for an Order if you have:

* either a verbal or written residential tenancy agreement, and
* outstanding rent which has arisen during the COVID-19 emergency period.

For advice contact CBOS on 1300 65 44 99 or email [rda@justice.tas.gov.au](mailto:rda@justice.tas.gov.au)

Landlords and agents – you are unable to submit an application for an Order on behalf of a tenant.

## Working out rent repayments

The Commissioner will ensure that repayments are reasonable. This application will require you to provide accurate financial information such as:

* total amount currently owed in rent arrears
* total household annual income
* current total household annual expenses
* percentage of household income currently paid as rent.

### Estimated repayment schedule

This table is a guide and shows the approximate amount you will need to pay (on top of rent) to pay off a rent arrears debt within a 12 month period.

| Amount of rent owed | Weekly repayment over 12 months | Fortnightly repayment over 12 months |
| --- | --- | --- |
| $1,000 | $20 | $39 |
| $1,500 | $29 | $58 |
| $2,000 | $39 | $77 |
| $2,500 | $48 | $97 |
| $3,000 | $58 | $116 |
| $4,000 | $77 | $154 |

Go to [moneysmart.gov.au](https://moneysmart.gov.au/) and use the online tools available to help calculate your repayments.

# Read this information before applying for an Order

* **Before applying, make sure you are eligible to apply for a Rent Arrears Payment Order**
* **Applying for an Order requires you to provide:**
  + **a copy of the tenancy agreement, or if you don't have one, a Statutory Declaration from your landlord**
  + **a copy of any correspondence between yourself and your landlord regarding the debt (a signed repayment plan if possible)**
  + **copies of any other relevant documents (eg, a Notice to Vacate if one has been issued)**
* **Do not sent in original documents with this paper application.**

# Start your application

## Tenant or tenant advocate details

*Select either tenant or tenant advocate*

☐ Tenant ☐ Tenant advocate

*Complete this section if you are the sole tenant on the lease agreement*

| **Tenant 1 or tenant advocate details** | |
| --- | --- |
| Full name |  |
| Email address |  |
| Phone number |  |

*Complete this section if there are multiple tenants on the lease agreement*

| **Multiple tenant details** | |
| --- | --- |
| Full name |  |
| Email address |  |
| Phone number |  |
| Full name |  |
| Email address |  |
| Phone number |  |
| Full name |  |
| Email address |  |
| Phone number |  |
| Full name |  |
| Email address |  |
| Phone number |  |
| Full name |  |
| Email address |  |
| Phone number |  |
| Full name |  |
| Email address |  |
| Phone number |  |
| Full name |  |
| Email address |  |
| Phone number |  |

## Landlord or property agent details

| **Landlord or property agent details** | |
| --- | --- |
| Landlord or property agent name |  |
| Landlord or property agent email address |  |
| Landlord or property agent phone number |  |

## Rental property address

| **Rental property address** | |
| --- | --- |
| Street address |  |
| Suburb |  |
| Postcode |  |

## Current residential address

Is your current address the same as the property address on the lease agreement? ☐Yes ☐No

If you answer No, please provide your current address

| **Current property address** | |
| --- | --- |
| Street address |  |
| Suburb |  |
| Postcode |  |

## Financial and repayment questions

If you are still in the property, are you now able to pay your full rent?

☐Yes – but I have an outstanding debt

☐No – my debt is still accumulating

Total amount current owed in rent arrears $

Have you reached any agreement with the landlord about the rent arrears and how to repay the amount owed?

☐Yes – we have reached the following agreement

☐No – we have been unable to reach an agreement

How often will the repayments be made?

☐Weekly

☐Fortnightly

☐Monthly

Amount

Repayment amount $

Final payment date

Have you previously applied to the Department of Justice for a rent relief grant?

☐Yes

☐No

### Rent arrears repayment plan Order

☐ I declare:

* I understand that my repayment plan will be decided by the Residential Tenancy Commissioner
* I would like the Commissioner to take into account my suggested payment plan
* I believe I would be able to repay the amount owed using the following repayment plan

My total household annual income is: $

***Note:*** *use the previous two rent payments to get an average*

My current total household annual expenses are: $

How often will payments be made:

☐ Weekly

☐ Fortnightly

☐ Monthly

The percentage of household annual income I pay as rent is: $

The amount I believe I am able to pay each rental period is: $

Provide any information which relates to this application for an Order

## Attaching documents to the application

Attach a copy of the following documents:

* the tenancy agreement or if you don't have one, a Statutory Declaration from your landlord
* any correspondence between yourself and your landlord regarding the debt (a signed repayment plan if possible)
* any other relevant documents (eg, a Notice to Vacate if one has been issued)

If you have been unable to reach an agreement with your landlord, please also provide:

* pay slips or a letter from your employer, and
* confirmation of any future work or circumstances that may change your ability to meet repayments

If you are submitting your application by email, scan the documents and upload/attach to the email. Suitable formats are doc, docx, xls, xlsx, pdf, png and jpg.

**DO NOT SENT ORIGINAL DOCUMENTS IN WITH THIS APPLICATION**

## Personal Information Protection Statement

In line with the *Personal Information Protection Act 2004*, the Consumer Building and Occupational Services Division of the Department of Justice, is collecting this information so that it can determine your eligibility to apply for rent relief. Your personal information will be used for the primary source for which it is collected and may be disclosed to law enforcement agencies, courts and other organisations authorised to collect it. Your basic personal information may be disclosed to other public sector bodies where necessary for the efficient storage and use of the information. Personal information will be managed in accordance with the *Personal Information Protection Act 2004* and may be accessed by the individual to whom it relates on request to Consumer, Building and Occupational Services. You may be charged a fee for this service

# Appendix A – agreement template

**Date:**

**Rent Arrears Repayment Agreement**

<OWNER>

and

<TENANT>

The points listed below are the terms and conditions of the agreement reached between the above mentioned parties in order to make a plan to pay outstanding rent to <PROPERTY MANAGER/ OWNERS NAME> for the property <ADDRESS OF PROPERTY>. Instalments will be paid in addition to the normal rent <RENT AMOUNT AND PERIOD WEEK/FORTNIGHT>

**We agree:**

* That the Tenant has experienced hardship as a result of COVID-19.
* The Tenants does not have rent arrears that occurred before (or after) the COVID-19 emergency period.
* That the Tenant now has the capacity to commence repayment of their rent arrears.
* That the total of the rent arrears is <RENT ARREARS TOTAL OWING>
* That the Tenant will repay the outstanding rent in equal instalments of <AMOUNT TO BE PAID PER WEEK/FORTNIGHT> or
* That the Tenant will repay the outstanding rent in instalments that start at <AMOUNT TO BE PAID PER WEEK/FORTNIGHT> and increase to <AMOUNT TO BE PAID PER WEEK/FORTNIGHT> from <DATE>
* Repayments will continue until the rent arrears are paid in full.
* The planned date for full repayment is <END DATE – USE ONLINE CALCULATOR TO DETERMINE>

I agree by my signature below, to abide by the terms and conditions placed on myself, as the Owner, by this agreement. I accept that this agreement varies the residential tenancy agreement signed <DATE> and when formalised as an Order, provides my tenants protection from eviction for rent arrears for as long as the Order is followed.

Owner: ……………………………………… Date: …………………………………………

I/We agree by our signature/s below, to abide by the terms and conditions placed on myself/us, as the Tenant/s, by this agreement. I/We accept that this agreement varies the residential tenancy agreement signed <DATE> and when formalised as an Order, will provide protection from eviction for rent arrears for as long as the Order is followed. I/We understand that if the lease expires and I/We do not renew, the remaining arrears will have to be paid in full at that time.

Tenant: ……………………………………………… Date: ……………………….………..

Tenant: ……………………………………………… Date: ……………………….………..

For office use only DOC/20/100466 Published November 2020