



COMMUNITY HOUSING LTD
GROUP OF COMPANIES

FACT SHEET 9

RECOGNITION AS A TENANT

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Recognition as a tenant is when a tenancy is transferred to another eligible member of the household. This occurs when the tenant has left the property due to health reasons, has been imprisoned or has passed away. This right will only apply to you if you were living in the property with the tenant as your only home at the time.

What are your legal rights?

The legal rights of a person to be recognised as a tenant are laid out in Part 4 sections 77, 78 and 79 of the Residential Tenancies Act 2010. If a tenant dies or no longer occupies the premises a person occupying the premises can apply to be recognised as a tenant at the NSW Civil and Administrative Tribunal.

When can you apply for recognition as a tenant?

Recognition as a tenant can be considered when a tenant dies, permanently leaves, or is evicted.

The applicant for recognition as a tenant must:

- Be their partner, an adult child or other household member who wishes to remain living in their home
- Have lived in the property for a 'reasonable' period of time or have an 'established pattern' of occupation (this will be assessed by consideration of the circumstances at the time)
- Not be responsible for tenancy breaches leading to the action to terminate the previous tenancy
- Must be eligible for the type of housing occupied and is an approved additional occupant for at least two years however there are some exceptions.

How to apply?

To apply for recognition as a tenant, you will need to complete the Application for Housing Assistance and Recognition as a Tenant Supplement form. Once complete, you can return the form to your local office along with any supporting documentation. CHL will advise you of the outcome of your application.

What happens if recognition is approved?

If your application is approved you will be offered either a tenancy for the current property, giving you equivalent rights to the previous tenant or a new tenancy in another more appropriate property. If you were a joint tenant previously you will be liable for any debts outstanding from the previous tenancy.

Appealing decisions

If you feel your application for recognition has not been assessed fairly you can request an appeal form and lodge it for independent review.

For further information on how a formal review works, please contact your local CHL office.



Any Questions

If you have any questions about the information in this Fact Sheet or on any other housing related matter, please contact your nearest Community Housing Limited Office or visit our website

www.chl.org.au