



TRINITY COLLEGE | FOUNDATION
THE UNIVERSITY OF MELBOURNE | STUDIES

Trinity College Pathways School
U18 Shared Accommodation Policy

Overview

Trinity College is an affiliated College of the University of Melbourne.

The Pathways School consists of the Trinity College Foundation Studies program, the Young Leaders program and other short programs and conferences.

The College reserves the right to review and make changes to this Policy from time to time.

Scope

This Policy covers all students studying in the Trinity College Foundation Studies program.

Background

Trinity College has established this policy to identify the procedure for shared accommodation for under 18 students. This policy should be read in conjunction with the Trinity College Student Code of Conduct and the Complaints Policy and is designed to take all reasonable steps to eliminate complaints concerning shared accommodation. When there is a request for two students to share one room/apartment, the Pathways School recommends that we do not proceed with one lease, a head-tenant, a sub-tenant or a co-tenancy.

It is desirable that the College as early as possible, resolves concerns and complaints within the accommodation sector preferably by advice and conciliation undertaken by appropriately trained persons for that purpose.

The College is committed to providing prompt and fair process to resolve complaints about shared accommodation.

The principles of natural justice apply at all stages of the complaint resolution process. Those involved in the complaint resolution process have a duty not to be affected by bias or conflict of interest and must act fairly and impartially. Each party must give a fair opportunity to know the case against them to be heard.

All persons involved with the College complaint procedures will be treated with respect and courtesy. Enquiries and complaints will be dealt with in a sensitive, equitable, fair and confidential manner. Matters will be dealt with expeditiously while ensuring that all parties are provided with sufficient time to prepare and/or respond.

It is of vital importance and in the best interests of all parties that confidentiality is maintained where possible.

Definitions

Co-tenants — all parties to the one tenancy agreement or lease together, with equal rights and one landlord.

Landlord —

- (a) the person by whom premises are let under a tenancy agreement; or
- (b) the person by whom the premises are to be let under a proposed tenancy agreement.

Owner — in relation to rented premises, means the owner in fee simple of the premises.

Rented premises — in relation to a tenancy agreement to which this Act applies means the premises let under the tenancy agreement.

Resident — in relation to a rooming house, a person who, with the agreement of the rooming house owner, occupies a room as his or her only or main residence.

Room — a room in a building, where the room is occupied or intended to be occupied for the purpose of a residence by a person having a right to occupy the room together with a right to use in common with others.

Rooming house — a building in which there is one or more rooms available for occupancy on payment of rent

- in which the total number of people who may occupy those rooms is not less than 4; or
- in respect of which a declaration under section 19 is in force.

Rooming house owner — in relation to a rooming house which is leased to a person who conducts the business of operating the rooming house, includes the lessee.

Rooming house provisions — any provisions of this Act to the extent to which they apply to a room, a rooming house, a resident of a room in a rooming house, a rooming house owner or a rooming house mortgagee.

Sub-letting — when a tenant transfers part (but not all) of their interest under a tenancy agreement to another person. The first tenant is called the head tenant and the second tenant is called to sub-tenant. The agreement between them is called the sub-lease.

Self-contained apartment — a portion of a building which forms a self-contained residence, including kitchen and bathroom and toilet facilities, under the exclusive possession of the occupier.

Tenancy agreement — an agreement, whether or not in writing and whether express or implied, under which a person lets premises as a residence.

Tenant — Residential Tenancies Act 1997 Act No. 109/1997

- the person to whom premises are let under a tenancy agreement; and
- the person to whom premises are to be let under a proposed tenancy agreement

Shared Accommodation

Pre-approved accommodation at the Pathways School for all under 18 students recommends that we do not proceed with one lease where the first tenant is called the head-tenant and the second tenant is called the sub-tenant e.g. split lease, mutual agreement. In the *Residential Tenancies Act 1997* this falls under Sub-Letting. Sub-letting is when a tenant transfers part (but not all) of their interest under a tenancy agreement to another person. The agreement between them is called a sub-lease. The period of the sub-tenant's agreement with the head-tenant cannot be longer than the head-tenant's lease with their landlord. If you want to sub-let a rental property, you must get the landlord's written consent. If you are thinking of becoming a sub-tenant you should ask to see written consent from the landlord to the head-tenant.

Circumstances justifying no shared accommodation

Co-tenants are all parties to the one tenancy agreement or lease together, with equal rights and one landlord. On the other hand, circumstances that may indicate a sub-letting situation are:

- One tenant signed a written tenancy agreement with the landlord and the other did not
- One tenant moved in before the other and later tenant paid bond to the first tenant
- One tenant collects the rent from the other and pays the landlord
- One tenant is responsible for all dealings with the landlord (e.g. repair requests, giving notices)

None of these circumstances alone will prove that there is a sub-letting arrangement, as the legal situation depends on the facts in each particular case. While it is not always clear when a sub-letting arrangement exists, the difference between a sub-lease and a co-tenancy can be important if a dispute arises between yourself and another tenant.

Administrative procedure

In the event that this situation has occurred the parents would need to take full responsibility for this agreement. If a cancellation of tenancy is needed between students they will need to follow the cancellation procedure associated with the lease in accordance with relevant legislation.

Internal

- The parents will need to sign a request for permission 'Condition Letter'.
- The parents will need to agree for their children to move residency (if relevant).

- The parents and the students need to work together to share expenses e.g. utilities, rent etc.

External

Foundation Studies students may take the matter directly to the Dispute Settlement Centre <http://www.disputes.vic.gov.au>, however both parties to the dispute must agree to go to mediation. If you need legal advice you can contact the Federation of Community Legal Centre's <http://www.communitylaw.org.au>, who provide free legal advice to eligible clients.

From the time you first contact the Dispute Settlement Centre to the conclusion of your matter a Dispute Assessment Officer (DAO) will manage your case. DAOs are also trained, nationally accredited mediators.

A DAO listens to your concerns and helps you to clarify your issues. The DAO will be able to suggest options, strategies and negotiation techniques, which may assist you in resolving your dispute. The DAO will also be able to refer you to a range of agencies that may be more appropriate for your matter.

If you would like to arrange a mediation session, a DAO can write to the other person/people involved in the dispute and invite them to mediation.

The DAO will then have a discussion with the other person and if that person accepts the invitation, the DAO will organise a mediation session at a time suitable for all parties. You will be given assistance to prepare for the mediation.

Not all disputes are suitable for mediation, so a DAO will ask you a number of questions to assist them in assessing the matter for suitability for mediation.

Schedule

Bedroom Type	U18 Student Approval
Studio Twin Share – Combined Lease	Approved if application is made off shore. Applicants must be same gender.
Studio Twin Share – Individual/Split Lease	Approved but must be the same gender. Under 18 & over 18 is okay
Two bedroom – Combined Lease	Approved if application is made off shore. Applications made on shore will be considered on a case by case basis. Applicants must be same gender unless siblings.

Two bedroom – Individual/Split Lease	Approved but must be the same gender. Applicants must be same gender unless siblings.
Three bedroom – Combined Lease	Approved if application is made off shore. Applications made on shore will be considered on a case by case basis. Applicants must be same gender unless siblings.
Four bedroom - Combined Lease (Arrow)	Approved if application is made off shore. Applications made on shore will be considered on a case by case basis. Applicants must be same gender unless siblings.
Four bedroom where each room is a twin - Individual/Split Lease (Urbanest)	Approved but all occupants of the apartment must be the same gender. Under 18 & over is 18 okay
Homestay	Approved but must be the same gender. Under 18 & over is 18 okay.

Trinity College Pathways School U18 Shared Accommodation Policy	
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Date of current revision	June 2016
Topic	U18 Shared Accommodation
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Business Owner	Associate Dean, Student Services
Authorising body	Pathways School Executive
Related legislation and government departments	Department of Education and Training (Cth) Department of Immigration and Border Protection (Cth) Education Services for Overseas Students Act 2000 (ESOS Act) National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (the National Code) Overseas Students Ombudsman Criminal Code Act 1995 (Cth) Crimes Act 1958 (Vic) Commission for Children and Young People Act (2012)
Related documents	TCPS Complaint Policy and Procedure TCPS Student Code of Conduct TCPS Student Curfew Safety Policy TCPS U18 Student Supervision Policy and Procedures
Notes	Students are bound by all applicable federal and state legislation.
Published	Website/ portal