



COMMUNITY HOUSING
Industry Association Victoria

Practice Guidance for Community Housing Rooming Houses

House Rules



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Purpose

The purpose of this guide is to support community housing Rooming House Operators (RHOs) to establish, review and enforce house rules in rooming houses.

It is guided by the requirements outlined in the Residential Tenancies Act 1997 (Vic) (RTA).

Should you have any questions or comments on the information in this guide, please email leadingpractice@chiavic.com.au.

Key resources

The key resources referred to in this guide can be found below.

Key resources	Links
Consumer Affairs Victoria – Forms and publications (Renting)	Forms and publications - Consumer Affairs Victoria
Residential Tenancies Act 1997 (Vic) (RTA)	RESIDENTIAL TENANCIES ACT 1997 (austlii.edu.au)
Victorian Civil & Administrative Tribunal (VCAT) decisions	Victorian Civil and Administrative Tribunal

Definitions

The definitions for common terms used in this guide are set out below.

Term	Definition
Breach of duty	Failure to meet a requirement of the RTA that is classed as a duty provision (a provision which has specific legislative requirements and consequences for either the resident or rooming house operator).
Breach of duty notice	A notice served on a resident or rooming house operator to inform them that their behaviour has caused them to breach one of more of the duty provisions of the RTA.
Consumer Affairs Victoria (CAV)	A Victorian Government agency responsible for regulating accommodation under the RTA and other consumer protection laws.



House rules	Rules relating to the use and enjoyment of facilities and rooms in a rooming house, as set by the rooming house operator.
Prescribed form	The form that is required to be used when issuing a notice or providing information to residents as defined by Victorian rental law.
Rental agreement	The Residential Tenancies Act (RTA) defines different types of agreements that are dependent on the type of premises and legal arrangement, such as a residential rental agreement or rooming house agreement.
Resident	A person who occupies a room in a rooming house under a rooming house agreement.
Residential Tenancies Act (RTA)	The Residential Tenancies Act 1997 (Vic). The principal legislation governing rental housing in Victoria.
Rooming house	A building where 4 or more people can live in rented rooms, some of which might be shared with communal facilities, or which has been declared a Rooming House under s19 of the RTA.
Rooming House Operator (RHO)	A Rooming House Operator (formerly owner) who runs a rooming house.
Victorian Civil & Administrative Tribunal (VCAT)	A legal institution set up to administer several Acts. For residential tenancies, the Tribunal administers the Residential Tenancies Act 1997 (Vic).



Background

Under the Residential Tenancies Act 1997 (Vic) (RTA), there are additional powers for Rooming House Operators (RHOs) to control the building and help protect the safety and quiet enjoyment of residents who live in close proximity and share common areas.

Under [s126](#) of the RTA, RHOs can set House Rules regarding the use and enjoyment of rooms, facilities and common areas, which under [s119](#) residents must observe.

It is not compulsory for house rules to be set, but it is common practice for community housing rooming houses to have house rules.

Setting house rules

Formatting

There is no prescribed form for house rules, but they must be formatted in a specific way to ensure that they can be consistently interpreted and understood.

House rules should be titled “House Rules”, and be consecutively numbered, regardless of any subheadings. House rules that restart numbering at each subheading or section may be found to be invalid.

They should be written in plain language, legible, and clearly presented.

Validity of house rules

The following checklist can be used for testing if a house rule is valid:

- Is it specific?
- Does it relate to the use and enjoyment of facilities and rooms ([s126](#))?
- Does it address behaviour that you are seeking to avoid or encourage?
- Are there other options for a rule that is less restrictive to residents?
- Could a different interpretation of the rule be argued?
- Is it inconsistent with the RTA?
- Could it be written in simpler terms?

Reasonableness

Under [s127](#) of the RTA, RHOs must ensure that house rules are reasonable.

Residents may apply to VCAT if they believe any house rules are unreasonable. Under [s128](#) VCAT may declare the rule invalid.



Scope of House Rules

House rules must relate to use of the property or behaviour conducted on the property. For example, a house rule that residents must not interfere with the reasonable peace, comfort, or privacy of residents living in neighbouring properties could only be enforced if the behaviour occurred on the premises. Incidents that occur off the premises are not enforceable under house rules.

RHOs may consider including house rules which are already covered under the RTA. For example, a breach in relation to noise could be addressed under [s113 Quiet enjoyment - resident's duty](#) of the RTA, but could also be included as a house rule for the purposes of ensuring residents fully understand their tenancy obligations.

A template of example House Rules are provided in [Appendix A](#).

Invalid house rules

House rules will be invalid if:

- They do not relate to the use and enjoyment of facilities or rooms;
- They are not reasonably necessary to protect the legitimate interest of the RHO;
- They are not reasonable.

Examples of invalid house rules are detailed below.

House rule examples	Reason they may be held to be invalid
Residents must not park cars on the street	The rule relates to parking that is not located on the premises.
Residents must attend a certain number of house meetings each year	Residents should have the right to choose whether they want to participate in house meetings.
Guests are not permitted to visit at any time	Not allowing guests at any time is very restrictive and prevents quiet enjoyment.
Children are not permitted	As above.
Guests are not permitted to use laundry facilities	This rule limits the rights of residents with assistance needs (for example, a resident with mobility issues who needs a friend to help them do their laundry). The rule could be reworded to limit outside use of the laundry while allowing residents to receive help with their own laundry.



Provision and display

Under [s124](#) of the RTA, residents must be given a copy of the house rules at the commencement of their residency. They must also be clearly displayed in each resident's room.

Changes to house rules

Review schedule

House rules should be regularly reviewed to ensure they remain reasonable and are appropriate.

RHOs may choose to undertake reviews in accordance with existing policy and procedure scheduled review processes. For example, at least once every 3 years, in response to legislative or regulatory changes, or in response to circumstances or situations that arise at the rooming house that could be addressed by updating the house rules.

A request for a review of house rules or a particular rule may also come from a resident or residents.

Resident consultation

When house rules are reviewed, residents should be made aware of the reasons for the proposed changes and given the opportunity to provide their input.

RHOs may consider scheduling a house meeting to discuss the proposed changes and deliver a copy of the proposed changes with a cover letter under each resident's door, with an invitation and instructions on how they can provide their feedback on the changes.

A template letter for consulting residents on proposed changes to house rules is provided in [Appendix B](#).

Written notice

Under [s127](#) of the RTA, when creating or varying house rules, at least 7 days written notice must be given to residents before the changes come into effect.

Consumer Affairs Victoria (CAV) provide a form [Notice to resident/s of rooming house](#) which can be used to notify residents of the proposed changes to the house rules. Use of this form is not prescribed under the RTA.

Alternatively, a copy of the updated house rules with a cover letter can be sent. Steps to consider in this process include:



- Issuing a copy of the updated house rules with a cover letter under each resident's door. Delivery by registered post may be considered for the purposes of obtaining strong evidence that they were served;
- Displaying the updated house rules on noticeboards and/or in common areas;
- Ensuring the updated house rules are properly displayed in each room at the next scheduled general inspection;
- Retaining records of the review and evidence that the required notice was given, in case of a challenge.

A template letter for advising residents of new house rules is provided in [Appendix C](#).

Enforcing house rules

Under [s127](#) of the RTA, RHOs must take all reasonable steps to ensure house rules are observed by all residents, and are enforced and interpreted consistently and fairly.

VCAT may declare a house rule to be invalid if evidence demonstrates that a rule has not been enforced on a consistent basis.

For example, if a house rule states that residents cannot have overnight guests, and the RHO knowingly allows a resident to have guests stay overnight, VCAT may find that this rule has not been consistently enforced and is therefore invalid.

Another example is if the RHO, despite the house rules, gives permission for one resident to keep a pet, this could create difficulties enforcing that other residents in the building cannot also keep pets.

Case Study 1 – visitors and overnight guests

For an indication on how VCAT has considered the reasonableness of house rules related to visitors and overnight guests, refer to this VCAT decision [Benham v Housing First Ltd \(Residential Tenancies\) \[2018\] VCAT 1282 \(17 August 2018\) \(austlii.edu.au\)](#).

In this decision, the resident applied to VCAT seeking an order to declare the following two house rules as invalid and therefore unenforceable:

- Visitors are not allowed on the premises between the hours of 11:00pm and 7:00am.
- No overnight guests allowed.

The rules were challenged by the resident mostly on the basis of being contrary to their human rights, and that their meaning was ambiguous.

Among other factors, VCAT considered the following key matters:

- The two rules are transparent, and expressed in simple terms;
- A breach of the rules would have a commercial impact on the RHO;
- The rules do not cause a significant imbalance to either parties' rights or obligations;
- VCAT did not consider the rules were unreasonable;



- The Charter of Human Rights and Responsibilities Act 2008 did not render them to be invalid.

As such, VCAT found the rules to be valid and dismissed the application.

Breach of house rules

If a resident fails to observe house rules, the rooming house operator can issue a [Notice of breach of duty to rooming house resident](#) under [s119](#) of the RTA.

When issuing a breach of duty notice, the resident should be able to clearly understand which rule they have breached, how they have breached it, and how to remedy it.

The notice should:

- Quote [s119 Resident must observe house rules](#);
- Articulate the relevant house rule number and wording;
- Detail on how they broke the house rule, including the date and time of the incident/s;
- Include any supporting evidence;
- State what is required to remedy the breach.

Example wording is provided in [Appendix D](#).

VCAT cases have been dismissed where house rules are not clearly articulated on the breach notice.

Where a renter has concurrently breached multiple house rules, each rule can be specified on the same breach notice.

Where breaches have occurred on separate occasions, a breach notice can be issued for each incident.

If the breach of duty notice is not complied with within the required time, under [s209](#) of the RTA, the rental provider can apply to VCAT to seek a compensation order or a compliance order.

Under [s212](#), if VCAT is satisfied that the rental provider was entitled to give the notice, and that it was not complied with, they may make any or all of the following orders:

- That the resident must remedy the breach as specified in the order;
- That the resident must pay compensation as specified in the order;
- That the resident must refrain from committing a similar breach.

Where VCAT have granted a compliance order, and the resident breaches that order, a Notice to Vacate can be issued for failure to comply with the VCAT order under [s91ZQ](#).

NTV for successive breaches

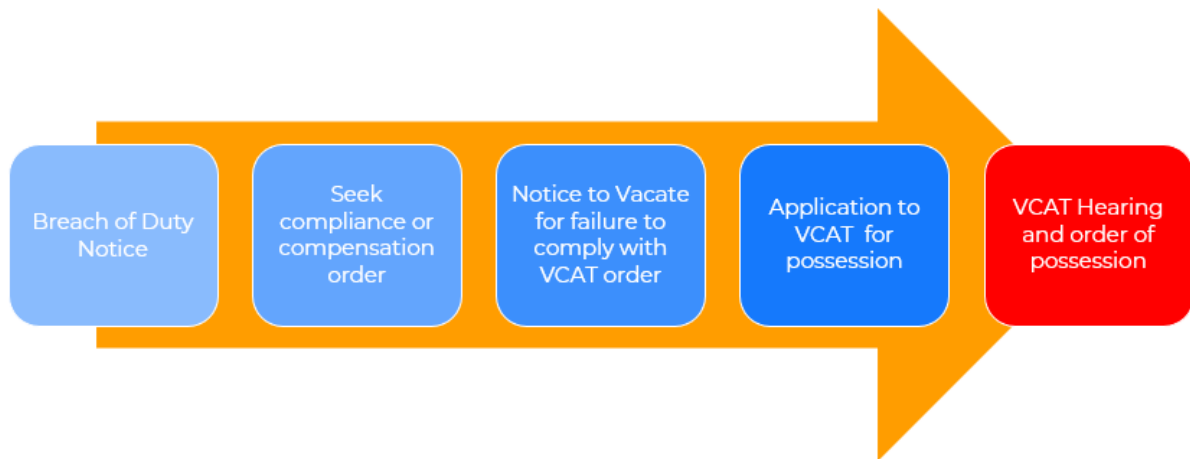
Where it is the third successive breach, under [s142ZH](#) a [Notice to vacate to resident/s of a rooming house](#) can be issued, followed by an application to VCAT.



CHIA Vic's RTA Guide and resources on human rights assessments outline these steps in more detail.

Process steps

The following diagram details the process for managing a breach of house rules.



Appendix A: House Rules

[Note: This is an example template for community housing organisations and should be tailored to the specific needs of the organisation and linked to appropriate policies and procedures.]

House Rules

[Property address]

House rules are about the use and enjoyment of rooming house accommodation, including rooms, facilities and common areas of the building.

All residents are required to abide by the house rules.

House rules form part of the Rooming House Agreement and are provided to residents when the agreement is signed. The rules are also displayed each resident's room.

House rules may be subject to change, and residents will be provided with at least 7 days' written notice of any changes.

A breach of a house rule is considered a breach of the agreement.

If you have any questions, please contact [RHO] via [contact details].

Peace, comfort and privacy

1. Residents must not interfere with the reasonable peace, comfort, or privacy of other residents.
2. Residents must not interfere with the reasonable peace, comfort, or privacy of residents in neighbouring properties.
3. Residents are responsible for the behaviour and actions of their guests.
4. Guests are not permitted to remain on the premises between the hours of [11:00pm and 6:00am].
5. Residents are responsible for their guests leaving the property by [11:00pm] in a reasonably quiet and orderly manner. **[Note to RHOs: Rules prohibiting overnight guests may be necessary in some cases to protect the safety of residents, but significantly limits the rights of residents. Whether such rules are necessary should be considered carefully based on the circumstances of each rooming house].**
6. Noise must be kept to a reasonable level in consideration of other residents at all times, so as not to disturb other residents.
7. Residents must not keep pets on the premises. This does not apply to assistance dogs as defined by the Equal Opportunity Act 2010.
8. Smoking is not permitted indoors, or within 4 metres of entryways or windows.



9. Violent or threatening behaviour toward other residents, [RHO] staff, or maintenance contractors is not permitted at any time. This includes but is not limited to yelling, shouting, threats of violence and inappropriate language.
10. Washing machines and dryers may only be used between the hours of [7:00am and 9:00pm].

Cleaning, maintenance & safety

11. Residents are responsible for cleaning their rooms, which must be maintained in a way that does not interfere with the reasonable comfort of other residents, and in a way that does not create a fire hazard or health risk.
12. Residents must ensure heaters are turned off when leaving the premises.
13. Residents must not use oil or kerosene heaters, portable cooking equipment or use of naked flames indoors.
14. Residents must not intentionally or recklessly damage or destroy any part of their rooms or a facility in their rooms.
15. Pest infestations or concerns about pests must be reported immediately to [RHO].
16. All rubbish and recyclables must be disposed of into the appropriate bins at all times.
17. Common area goods such as crockery, cutlery, utensils, pots, pans and appliances must be cleaned and returned to their designated place after use.
18. No prohibited weapons are permitted on the premises. Prohibited weapons are those listed in the Control of Weapons Act 1990 and Control of Weapons Regulations 2021.

Security

19. Residents are responsible for keys and access cards. Any reasonable costs incurred as a result of losing keys or being locked out of the room are the responsibility of the resident.
20. Residents must not give keys or access cards to other residents or visitors to use.
21. Residents must not provide entry to people who have been banned or asked to leave the building by [RHO].
22. Gates and external doors must be kept closed at all times.

Common areas

23. Common areas that are shared by residents including the lounge area, kitchen, communal bathroom, hallways, and yard must be kept clean and tidy by residents at all times.



24. Residents must not leave or store personal items in common areas.
25. Residents must store [bicycles] in the designated common area [bike storage area].
26. Common area goods such as crockery, cutlery, utensils, pots, pans and appliances are not to be removed from the common areas and must be cleaned after use.
27. Children and young people under the age of [18] must be accompanied by a guardian in the common areas at all times.
28. Consumption of alcohol in communal areas is not permitted.
29. Vehicles must only be parked in the allocated parking area.
30. All vehicles kept in the allocated parking area must be registered, drivable and in roadworthy condition.
31. Items other than vehicles must not be stored in the allocated parking area.
32. Vehicle repairs and services are not permitted to be completed in the parking area.



Appendix B: Changes to house rules

[Note: This is a template letter for community housing organisations and should be tailored to the specific needs of the organisation and linked to appropriate policies and procedures.]

[Date]

[Address]

Dear [Resident]

Re: Proposed changes to house rules

[RHO] are undertaking a review of the House Rules for [property address].

Please find attached a copy of the proposed changes for your review.

A house meeting has been scheduled for [date and time] which we invite you to attend so that we can discuss the changes with all residents, and you can provide your feedback.

Alternatively, you can provide your feedback by [phone/email] by [date].

Once the updated house rules are finalised, all residents will be given at least 7 days' written notice of the changes before they take effect.

For any questions, please contact [RHO] on [contact details].

[Rooming House Operator]



Appendix C: New house rules

[Note: This is a template letter for community housing organisations and should be tailored to the specific needs of the organisation and linked to appropriate policies and procedures.]

[Date]

[Address]

Dear [Resident name]

Re: New house rules

Further to our previous letter and the house meeting held on [date], thank you to everyone who provided input on the changes to house rules for [property address].

[RHO] has finalised the review, enclosed is a copy of the updated house rules for your records. The new house rules will take effect from [date giving at least 7 days' notice].

A copy has also been made available [on the common area notice board].

We ask that you please replace the previous version and display the updated house rules in your room.

[RHO] will also ensure the updated house rules are displayed in each room at the next scheduled general inspection.

For any questions, please contact [RHO] on [contact details].

[Rooming House Operator]



Appendix D: Breach of duty

[Note: This is example wording to be used on a Notice of breach of duty to rooming house resident, who has failed to observe house rules. Not all sections of the form have been completed in this example.]

I believe you have breached your duty as a resident because:

119—failed to observe house rules

You failed to observe house rules made in accordance with the Act. The house rule(s) you did not observe is/are:

4. Guests are not permitted to remain on the premises between 11:00pm and 6:00am.

On 20 September 2024, a guest visiting your room was seen leaving at 5:15am.

On 23 September 2024, a guest visiting your room was seen leaving at 4:10am.

The loss or damage caused is:

All residents are required to abide by the house rules.

By breaching these house rules, the comfort and enjoyment of other residents is impacted.

Your room and the rooms of other residents are only intended for one occupant.

Having another person share your room, disadvantages other residents who do observe the house rules.

Is documentary evidence attached?

☐ No

☒ Yes:

Attached are still photographs taken from CCTV confirming the reports of a guest leaving your room on both occasions.

