



Rental payments and records

The definition of 'rent' in tenancy law includes any money, goods or services, or anything else of value which is paid or supplied under a tenancy agreement, either written or verbal, by the tenant. Rent does not include any money paid or owing as a bond. Rent is normally the money paid by the tenant for the right to live in a property. But rent may include any goods or services charged for this right.

When are receipts needed?

A written receipt must be given for rent when there will be no other record that is available to the tenant. So while there are some exceptions* (see below) it is always best to ensure that the tenant receives a receipt no matter how rent is paid.

*Exceptions – A receipt is not legally required when:

- the rent is paid from a tenant's bank account by automatic payment through the bank or by non-negotiable personal cheque drawn on the tenant's bank account;
- the rent is paid by the tenant into an account operated by the landlord only for the tenancy or for the tenancy and any other tenancies of the landlord;
- the rent is paid by automatic deduction from the tenant's pay, or from any benefit being received by the tenant into the landlord's bank account.

What should be on the receipts?

As a receipt is needed to identify what the payment is for, it needs to have the address of the tenancy or some other way to identify the premises. The amount of money received and what it is for should also be included. It is a good idea to say what period the rent covers, the day it was paid and the name of the person who paid it. It should be signed by the landlord or the person who received the rent. If the payment is in cash, a receipt must be given immediately. If paid by other means, a receipt must be given within 72 hours.

Does the landlord have to give the tenant a statement of the rent?

Yes, if the tenant requests this in writing, the landlord must give a written statement of the period to which any payment of rent relates.

Who keeps the rent book?

The tenant usually keeps the rent book as, for cash or cheque payments, it is usually their receipt. The landlord should also keep a record of payments. Both the rent book and the records of payment should be retained for a reasonable time after the tenancy ends in case a dispute arises.

Whatever form they are in, the landlord must keep records showing all payments of rent and bond paid by, or for the tenant, so that the record can be supplied to the tenant on request.

