# Detailed Reference Guide 9: Repayment of bonds

This reform starts on 29 March 2021.

### New requirements

The rental provider (or their agent) or the renter (or their agent) may apply to the Residential Tenancies Bond Authority (RTBA) for repayment of the bond.

The claim may be made jointly by the rental provider and the renter, or individually by either. There are restrictions on the types of individual claims a rental provider can make (see below).

A claim must be made using the form approved by the RTBA and must include the residential address or email address of the person claiming the bond.

A claim for the bond can only be made before the end of the rental agreement if the rental provider is requesting the bond be paid to the renter, or vice versa, or if the claim is made jointly.

### Joint claims for repayment of the bond

A joint claim (made by the renter and the rental provider together) may be lodged before the end of the rental agreement. If there is more than one renter then all renters must lodge.

A rental provider must not ask renters to sign a claim form if the form does not specify the amount of bond to be repaid and how the amount will be split between the rental provider and the renters.

If a joint claim is made, the RTBA will repay the bond money as instructed in the claim form.

If the joint claim instructs the RTBA to repay some or all of the bond to the rental provider, the claim form must not be signed by the renters earlier than 14 days before the end of the rental agreement.

### Individual claim by the renter for repayment of the bond

If a renter makes an individual claim for repayment of the bond, the RTBA is required to give written notice to the rental provider alerting them to the renter’s claim and giving them the opportunity to dispute it. The notice states that the RTBA will pay the claim if, within 14 days of receiving the notice, the rental provider does not inform the RTBA in writing that the claim is subject to an application to VCAT.

If the rental provider does not inform the RTBA that the claim is subject to an application to VCAT, the RTBA will repay the bond money as instructed in the renter’s claim form.

If the rental provider informs the RTBA that the claim is subject to an application to VCAT, the RTBA will not repay the bond unless:

* the rental provider consents to repayment of the bond,
* all VCAT orders requiring action before repayment of the bond have been complied with, or
* the RTBA is notified by VCAT that the application has been withdrawn or dismissed.

The RTBA must not repay the bond until any proceedings affecting the claim are finally determined, including any appeals.

### Individual claim by the rental provider for repayment of the bond

A rental provider can only make an individual claim to the RTBA if directing that all the bond should be repaid to the renter.

If the rental provider wants to claim some of the bond but does not have the renter’s agreement, the rental provider must apply to VCAT for a bond repayment order.

The rental provider must apply to VCAT within 14 days of the end of the rental agreement.

VCAT will determine the application, and the RTBA will repay the bond money as instructed by VCAT.

These changes also apply to bonds in rooming houses, caravan parks and residential parks.

## Previous requirement

Previously only joint claims to the RTBA for repayment of the bond were allowed.

Previously, where a claim was submitted to the RTBA, the renter was required to have signed the claim form within 7 days of the end of the rental agreement. This has now been increased to within 14 days of the end of the rental agreement.

No notice process for individual claims to the RTBA existed, instead individual renters and rental providers were required to apply to VCAT for a bond repayment order.

## Relevant legislation in the *Residential Tenancies Act 1997*

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| 411 | Claims for rental bonds |
| 411A | Notice of claim to be given to other parties |
| 411AB | Matters that may be subject of bond claim |
| 411AC | Repayment of bond where no dispute |
| 411AD | Disputed bond claims |
| 419A | Person with interest in claim for bond may apply to Tribunal for bond repayment order |

Note: These were Reforms 29 and 30 in the Fairer Safer Housing review.