

# Rental scams

Each year, SUPRA assists dozens of students who have been affected by scams relating to renting a place to live. Rental scams are increasingly common in NSW, because the housing crisis makes it much more challenging to find accommodation. Many renters are desperate for housing, and scammers are taking advantage of this.

Rental scams take many forms, including:

- Advertising a property online that they do not own or manage, then tricking prospective renters into paying holding deposits, bond or even rent. When the prospective renter tries to secure the property or get the holding deposit back, the scammer will stop responding to all forms of communication.
- Advertising a property as an empty apartment or room, when it is a shared apartment or room with current tenants.
- Taking holding deposits from multiple prospective tenants, then disappearing and never refunding the money.

We have also seen many students treated unfairly by a landlord who legitimately rented a property, but attempted to take advantage of them during, or at the end of, the tenancy. Common examples include:

- Not lodging your bond with the NSW Rental Bonds Board, which is [illegal](#), and can make it much harder to claim your bond back.
- Disappearing and blocking all forms of contact with the former tenant when it comes time to refund bond, bills or overpaid rent.
- Renting on an Occupancy Agreement rather than a Residential Tenancies Agreement, where this is inappropriate for your type of housing arrangement, and allows the landlord to afford you fewer rights.

Many rental scams target university students, particularly international students. Many scammers will advertise through WeChat or other forums in community languages, which can make it very hard to track or trace the scammer.

Be aware that rental laws in NSW do not offer much protection to tenants. Once you have signed a Residential Tenancies Agreement or an Occupancy Agreement, these can only be broken under specific circumstances. The [NSW Civil and Administrative Tribunal \(NCAT\)](#), which handles tenancy disputes, cannot award damages. This means it can be almost impossible to get your money back if you are scammed.

## How to avoid rental scams

Below are our top tips for avoiding rental scams.

### Do:

- **Communicate in English and via email where possible.** If an agent or landlord wants to keep all communication in a language other than English and on social media like WeChat or WhatsApp, there is a strong chance they are not legitimate.
- Make sure you **get the agent or landlord's full name and contact details.**
- **If you are dealing with a real estate agent, try to verify their credentials** using [Service NSW](#). In NSW, real estate agents must have a license to legally operate.
- **Always view the property yourself first before signing a rental contract** or depositing any money. If you can't view the property yourself, try to find a very trusted friend or classmate who could view it for you – and ask them to take their own photos or a video.
- **If you do choose to pay a holding fee, pay no more than one week's rent.** This is the legal limit in NSW.
- [Ask a SUPRA caseworker](#), or someone else you trust, to read over the agreement with your potential landlord **before you sign it.**

### Do not:

- **Do not pay any money before viewing a property in person** – even a holding fee. In NSW, you should not be asked to pay any money in order to view a property. If you are being asked to pay before a viewing, there is a strong chance the agent or landlord is not legitimate.
- **Do not pay money into an overseas bank account:** if you are being scammed, it will be almost impossible to retrieve your funds.
- **Do not pay money from an overseas bank account:** sometimes even legitimate real estate agents will refuse to refund money into overseas accounts, because of the

cost involved for them (even though they might be happy to take money from you this way).

- **Do not sign an agreement before viewing the property:** this can leave you stuck in a legally-binding agreement for a property that is overcrowded, unsafe, or just not right for you.
- **Do not accept copies of passports or other ID as a sign that the agent or landlord is legitimate.** In many scams, the fake agent has stolen these documents from somebody else. Legitimate real estate agents and landlords in NSW will never voluntarily send you their passport or driver's license.

It's important to remember that being scammed is not your fault. Scammers spend thousands of hours making their scams as convincing as possible. Try not to let embarrassment or shame get in the way of seeking help. The sooner you seek help, the more likely it is that you may be able to recover some of your money. Reporting your scam can also help SUPRA warn other students. [Contact us for help.](#)

## Disclaimer

This information is current as at August 2023 and is intended as a guide to the law as it applies to people who live in or are affected by the law as it applies in NSW. It does not constitute legal advice.

Written by SUPRA Postgraduate Advocacy Service August 2023