

'Flating' is a term commonly used to describe a living arrangement where people share rented accommodation, regardless of whether they are a tenant, or a flatmate.

But if you're a flatmate rather than a tenant, you may have different rights. Flatmates are not covered by the Residential Tenancies Act 1986, which only covers tenants and landlords. This means the rights of flatmates are not as clear cut.

## Tenant

If you have a tenancy agreement, verbal or written, with a landlord, you're a tenant and legally responsible for the place. Tenants are responsible to the landlord for the whole of the rent and any damage done, not just their own share.

Tenants are covered by the Residential Tenancies Act 1986, and can get advice from Tenancy Services about renting.

As a tenant, you have the right to live in the flat and cannot be asked to leave by another tenant or your flatmates. Only the landlord can give you notice to leave.

If everyone living in the flat signs the tenancy agreement, you'll all have tenancy rights - and obligations. Anyone who moves into a flat and signs a tenancy agreement along with any other people is taking on shared responsibility for the whole tenancy. This is called 'being jointly and severally liable'. It means that if one of the tenants causes damage to the property or gets behind in paying rent, all of the other tenants can be held responsible. They may have to pay the debt if the offending tenant does not.

It is wise for a tenant to take out personal liability insurance to cover them in the event they're held responsible for debt or damage caused by one of the other tenants or by one of their flatmates.

[Insurance \(http://mbie3.cwp.govt.nz/starting-a-tenancy/ready-to-rent/insurance/\)](http://mbie3.cwp.govt.nz/starting-a-tenancy/ready-to-rent/insurance/) explains about the importance of having insurance.

The Tenancy Tribunal is available to sort out disputes between landlords and tenants. The Tenancy Tribunal does not consider disputes between tenants and tenants, these may be dealt with by the [Disputes Tribunal\(external link\)](http://www.justice.govt.nz/tribunals/disputes-tribunal/) (<http://www.justice.govt.nz/tribunals/disputes-tribunal/>).

## Flatmate

If one (or more) tenant signs the tenancy agreement and then allows you to share the flat, you are likely to be a flatmate. Flatmates are people who are living in the property but are not part of the tenancy agreement.

A flatmate lives with the person they pay rent to (ie the tenant). Flatmates are not responsible to the landlord for the rent and the state of the property. Instead they are responsible to the tenant for their share of the rent.

As flatmates are not covered by the Residential Tenancies Act your rights depend on the agreement you have with the tenant.

[Download an example flat/house sharing agreement below \(/starting-a-tenancy/flating/exportPDF#related-content\).](#)

Flat-sharing agreements between tenants and other flatmates are not covered under the Residential Tenancies Act 1986. Tenants and other flatmates will, however, find it useful to have a written agreement.

If you are a flatmate, you should sort out with the tenant the details about notice requirements and other responsibilities. It's useful to write them down and sign it. If you pay rent to a tenant, buy a rent book and get a receipt for every rent payment you make.

The Tenancy Tribunal is not available to sort out disputes between flatmates. Disputes between flatmates can be taken to the Disputes Tribunal.

Tenancy Services cannot give advice about flatmate disputes. These organisations may be able to help:

- [Community Law Centre\(external link\) \(http://www.communitylaw.org.nz/your-local-centre/find-a-community-law-centre/\)](http://www.communitylaw.org.nz/your-local-centre/find-a-community-law-centre/)
- [Citizens Advice Bureau\(external link\) \(http://www.cab.org.nz/acabnearyou/Pages/home.aspx\)](http://www.cab.org.nz/acabnearyou/Pages/home.aspx)
- student accommodation advisors can offer advice on flatmate relationships.