



# Renting an Apartment

Persons renting an apartment have various rights and duties. For example, landlords must give due notice. Tenants must also abide by certain rules.

## Rental Contract

In general, landlords sign a written rental contract with their tenants. It is possible to agree on an oral contract. However, this is not recommended. In any case, the rights and duties according to the Swiss Code of Obligations (Obligationenrecht | Droit des obligations) are always applicable.

## Rent

Normally, rent consists of the net rent and additional costs (heat, warm water, etc.). Additional costs may be charged only if they are listed in the rental contract. In general, rent must be paid monthly, in advance. Landlords may raise rent only if justified. The raise must be announced in due time with an official form. If the raise does not appear justified the arbitration authority (Schlichtungsbehörden | Autorités de conciliation) is to be notified within 30 days. Landlords may request a security deposit (Kaution | Caution) equal to a maximum of 3 months rent in addition to rent. The security deposit is returned when one moves.

## Moving In

Upon moving into a new apartment it is very important that a list of defects is added to the rental contract (Wohnungsabnahmeprotokoll / État des lieux). Landlords and tenants record existing damages to the apartment. This ensures that tenants are not made responsible for damages caused by previous tenants. Persons with pets should inquire in advance whether pets are allowed in the apartment. Please note that one must register in the new community of residence within 2 weeks of moving in.

## Damages to the Apartment

Smaller damages must be paid for by the tenant (e.g. new shower hose or soap dish). Larger damages are paid for by the landlord. If the tenant is responsible for the damage they have to pay for it themselves. For such cases one needs private liability insurance. If something breaks or if one wishes to make changes to the apartment (e.g. painting) one should contact the landlord. If larger defects occur (e.g. broken heating or washing machine, construction noise, etc.) one has a right to a rent reduction until the defect is corrected.



## Terminating a Rental Contract

Tenants and landlords can terminate an apartment only on certain dates in the year. Furthermore, the notice of termination must be given in time and in writing. In most cases, the termination dates and deadlines are specified in the lease agreement. For apartments, the minimum notice period is 3 months. When the landlord gives notice to terminate the lease, it is mandatory to use an official form. As a tenant, you then have 30 days to appeal to the conciliation board. There you can also get free legal advice. If a tenant wants to terminate his or her lease outside of the applicable periods and deadlines (termination without notice), this is possible under certain circumstances. As a rule, one is responsible for finding a new tenant themselves. This person must be required to meet certain conditions. It is advisable to inquire about the exact procedure and the applicable rules in this case.

### **Additional information (links, addresses, information sheets, brochures)**

[www.hallo-bern.ch/en/housing/renting-an-apartment](http://www.hallo-bern.ch/en/housing/renting-an-apartment)