

RENT AND PROPERTY

QUESTIONS AND ANSWERS FOR ASYLUM SEEKERS IN TURKEY

Mülteci
Hakları
Merkezi

Refugee
Rights
Turkey

KİRA VE MÜLK EDİNME

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Mülteci Hakları
Merkezi



Refugee Solidarity
Network

I am an asylum seeker in Turkey. Can I rent an apartment?

All foreigners who are legally present in Turkey can rent an apartment. In order to execute a rental contract, you may be required to present a valid identity document. All identity documents issued by the Directorate General of Migration Management are officially valid documents and may be used for this purpose.

What is a rental contract?

A rent contract is a legally binding agreement where the lessor undertakes to grant the tenant the right to use a property in exchange for the payment of the agreed amount.

Should I execute the rent contract in writing?

There is no formal requirement for rent contracts. Thus, a rental contract may be created verbally or in writing and the form of the contract will not be used against either party. However, as a written contract can be used as evidence or referenced in the event of a dispute, it will be more advantageous for you to conclude the contract in writing.

What are the key issues that I must be aware of while entering into a rent contract?

Rent contracts often have two sections: general and private terms and conditions. These sections will be valid and effective unless they fail to comply with compulsory provisions of the relevant legislation.

In addition, it is important that the rent contract includes and duly reflects the identity details of the parties (lessor and tenant), the address of the premises, the starting date and duration, the agreed rent amount, payment method, designated purpose of the use, the physical condition of the premise, fixtures (if any), and the amount of security deposit. Inclusion of these items in writing shall be of a critical importance in the event of any dispute.

Should I notarize my rent contract?

There is no requirement to notarize the rent contract; however, parties wishing to strengthen the evidential value of the contract and avoid any potential loss of right in the event of a dispute may opt for notarization. Please also be aware that you will be required to pay stamp tax, which shall be calculated on the gross value of the total rent, if you notarize the rental contract.

Who is a real estate agent? Do I have to make a payment?

A real estate agent is a licensed professional who works to facilitate renting or real estate sales transactions. In the context of a rental contract, the real estate agent acts as the intermediary between the lessor and the tenant.

If the tenant receives a service from a real estate agent for the execution of a rent contract, the agent will be entitled to receive a commission or an agent's fee which cannot exceed one-month of the agreed rent amount. Please be aware that this can only be a one-time only payment.

Should I pay the rent via bank transfer?

Should I ask for a receipt?

Under the current applicable law in Turkey, if the monthly rent is 500 TL or above, you must pay the rent via bank transfer. Upon the completion of each transfer, you will be provided a bank statement. It is in your best interest to keep these bank statements in the event there are any possible disputes.

For the payment of the rent below 500 TL, it will be advantageous for you to obtain a duly signed receipt of acknowledgment from the lessor.

When should I pay the rent?

If you have not fixed a payment date in the rent contract, as per the customary usage or practice, the rent is due and must be paid within the first 3 days of each month.

Is it possible for the landlord to increase the rent? If yes, how?

There might be an increase in the rent at the time of the rental terms' renewal. However, this increase cannot exceed the rate of increase in the Turkish Customer Price Index (also known as 'TÜFE') of the previous rental term.

What is a security deposit? What is the amount for a security deposit? Can I have it back when I move out?

A security deposit is a form of guarantee for the lessor to cover damages to property or fixtures or unpaid rent. If your rent contract includes a provision on security deposit, it cannot legally exceed the equivalent of three months' rent.

After the termination of contract or if you move out, you are entitled to reimbursement of the security deposit provided that there is not any damage to the rented property or unpaid rent.

Are there any other matters that I should be aware of while entering into a rent contact?

There are a number of important issues to bear in mind when renting an apartment or a house. First and foremost, it is important to make sure that the person with whom you negotiate for the execution of the contract is the lessor or his/her authorized agent. To this end, you may request to see the title deed. You should also make sure that the address cited in the contract is the actual address of the premise you intend to rent.

In addition, you must make sure that critical provisions in the contract reflect your agreement. These include the rent amount, the rate of increase, payment date and method, the amount of security deposit, any specific condition for the reimbursement of security deposit, the physical condition of the premise at the time of renting, and the list of fixtures. Finally, all pages of the rent contract must be signed by both parties in order for it to be executed and enforceable.

Are there any specific procedures that must be carried out after executing the rental contract?

Once you have executed the contract, you are required to transfer utilities under your name. Please also be aware that you are required to notify the change in your address to the Population and Civil Registry Department within 20 days. In order to complete the notification procedure, you must present a valid identity document and a copy of your rental contract. You should also make another notification to the Provincial Directorate of Migration Management.

Do I have to pay for home repairs?

Your lessor will be responsible of costs of repairs incurred outside the routine use of property (such as replacement of worn-out fixtures). However, it will be incumbent upon you to pay for repairs resulting from daily use.

Do I have to pay for building repairs?

Building repairs including repairs for roof or boiler room or costs incurred for the building-painting must be paid by the lessor. However, you will be responsible for common expenses such as fees for janitorial services, cleaning, and other common costs including common water and electricity costs.

What are my responsibilities as a tenant?

Your key responsibilities are paying the rent in due time, using the rented property with care, and paying for cleaning and basic maintenance. You should avoid significant alterations or renovations in the property without the explicit consent of the lessor. Finally, should you experience any problem which cannot be attributed to you, but has the potential to decrease or affect the value of the property, it is your responsibility to notify the lessor without delay.

Are there any other responsibilities or issues that I must be aware of?

Unless otherwise agreed in the contract or stipulated by the law, the lessor is responsible paying for the compulsory property insurance, tax and similar obligations. However, paying for the Sanitation Tax is under the tenant's responsibility. For detailed information on the amount and method of payment of this tax, you can contact the municipality in which your rented property is located.

In addition, the tenant has the obligation to treat other neighbors with respect. Finally, subletting or assignment of the rental contract without the written permission of the lessor is prohibited under Turkish law.

I am in a dispute with my landlord. What should I do?

In the event of a dispute, it is important to attempt to settle the dispute amicably. However, if the dispute requires enforcement action, you may submit a petition to the police or to the public prosecutor and file a complaint. For instance, you have the right to inviolability of domicile. This means that no one should enter your domicile without your consent and that you have the right to withdraw your consent any time.

If you believe that your lessor is acting in violation of contractual obligations and you could not reach an amicable settlement, you have the option to file a lawsuit before a competent court. You may receive legal counselling or legal representation in this process. If you wish to do so, please remember that you shall be required to pay lawyer fees and court fees.

However, if you are unable to afford a lawyer, you may approach the bar association in the province where you are registered and request legal aid. A bar association is the professional public body of lawyers. Under each bar association, there is a Legal Aid Bureau established to provide free-of-charge legal aid and assistance services to persons who cannot afford lawyer and court fees. All persons seeking international

protection, persons having an international protection status, persons under temporary protection as well as stateless individuals are entitled to benefit from the services of Legal Aid Bureaus in Turkey. You are however required to make an application and provide several documents explaining and/or in proof of your demand. For detailed information, please contact the local bar association in the province where you are registered.

I want to rent a workplace. Is it any different than renting a house?

If you would like to rent a space for commercial purposes, you must obtain a potential tax identification number. If the lessor/landlord is a natural person, you will be also required to pay stoppage tax.

In addition, new legal restrictions on the rate of rent increase and security deposits are not applicable to rent contracts for workplaces until 2020.

Can I buy property in Turkey?

You may consult Turkish Embassies or Consulates abroad, the Department of Foreign Affairs under the General Directorate for Land Registry and Cadaster or Directorates of Land Registry for detailed information on countries whose citizens can buy property or acquire limited rights in rem in Turkey.

Are there any other issues that I should be aware of before buying property?

There are a number of important issues to bear in mind before buying property. First and foremost, it is important to make sure that the person with whom you negotiate for the execution of the real estate sales contract is the legal owner or his/her authorized agent. In addition, you must check whether there is any limitation preventing the sale of the property.

The legal owner of the property should provide the buyer a recent dated copy of the official title deed registry record. This will allow you to see

whether there are any limitations on the property. As stated before, it is important that this copy be recent as the validity of a title deed registry record is solely limited at the time of issuance. It is therefore highly critical to conclude a real estate sales transaction at the Directorate of Land Registry.

Are there also any other issues that I should be aware of after buying an immovable property?

Foreigners, as is the case for citizens, are also required to pay a title deed fee. In addition, there are a number of taxes, including real estate tax, that must be borne by the owner. Finally, foreigners are also required to comply with compulsory property insurance schemes.

As a foreign national, can I buy a vehicle in Turkey?

If you have a valid identity document issued by the General Directorate for Migration Management, you can buy a vehicle in Turkey. Anyone wishing to drive a vehicle in Turkey must have a valid driver's license.

You may also use your driving license issued in another country within Turkey from the date of your entry to Turkey. However, after 6 months, you must convert your license into a Turkish one by applying to the transport registration department. In this application, in addition to your driver's license issued in your home country, you may be also required to present other documents. For more detailed information, please contact your local transport registration departments under the Provincial Security Directorates.

Please bear in mind that in your application to convert your license, you will be also required to present a valid identity document with a Foreigners' ID number starting with '99' and issued by the General Directorate for Migration Management. You will also need to register with an authorized driving school and pass both theoretical and practical tests.

Finally, vehicle owners in Turkey are also under obligation to pay taxes and comply with compulsory insurance schemes.

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<https://www.mhd.org.tr>

Or via our new “Information Portal for Refugees in Turkey”,
launched as of April 2019:

<https://multecihaklari.info>
<https://refugeerights.info>