



GSTA TPP 012 - Goods and services tax: Is a landlord who is renting furnished premises to tenants required to apportion the rent between the occupancy of the real property and the right to use the furnished items?

 This cover sheet is provided for information only. It does not form part of *GSTA TPP 012 - Goods and services tax: Is a landlord who is renting furnished premises to tenants required to apportion the rent between the occupancy of the real property and the right to use the furnished items?*

 This document has changed over time. This is a consolidated version of the ruling which was published on *14 June 2005*



Goods and Services Tax Advice

Goods and services tax: Is a landlord who is renting furnished premises to tenants required to apportion the rent between the occupancy of the real property and the right to use the furnished items?

Preamble

*This document is a ruling for the purposes of section 37 of the Taxation Administration Act 1953. It illustrates the principles contained in **Goods and Services Tax Ruling GSTR 2001/8 on apportionment**. You can rely on the information presented in this document, which provides advice on the operation of the GST system.*

Answer

The answer depends on whether the rental of the furnished premises consists of separate supplies of the residential premises and the furnished items (chattels not fixtures), or is a single composite supply or a single mixed supply (as referred to in Goods and Services Tax Ruling GSTR 2001/8). The analysis is essentially a question of fact and degree in each case, involving an examination of all the circumstances in which the transaction takes place.

Unless the supply of the premises can be separately identified from the supply of the furnished items, the rental of furnished residential premises is a single supply. It is then a question of whether it is a mixed supply or a composite supply according to the guidelines set out in GSTR 2001/8.

Apportionment of the rent is only necessary where the rental of the furnished premises consists of separate supplies of residential premises and other things, or is a mixed supply. This is to enable the application of the correct GST treatment to the transaction in question.

Application of this GST Advice

This Advice is based on GSTR 2001/8. It explains our view of the law as it applied from 1 July 2000. You can rely on this Advice on and from its date of issue for the purposes of section 37 of the *Taxation Administration Act 1953*. Goods and Services Tax Ruling GSTR 1999/1 explains the GST rulings system and our view of when you can rely on our interpretation of the law in GST public and private rulings.

If this Advice conflicts with a previous private ruling that you have obtained, this public ruling prevails. However, if you have relied on a private ruling, you are protected in respect of what you have done up to the date of issue of this public ruling. This means that if you have underpaid an amount of GST, you are not liable for the shortfall prior to the date of issue of this later ruling. Similarly, you are not liable to repay an amount overpaid by the Commissioner as a refund.

Commissioner of Taxation
Date

Subject references:

mixed supply
composite supply
residential premises

Legislative references:

TAA 1953 37

ATO references

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