



Consumer Affairs and Fair Trading

Fact Sheet

June 2015
Version: 2.0

MINIMUM STANDARDS FOR PREMISES A GUIDE FOR TENANTS AND PROPERTY OWNERS

As of 1 August 2015, the *Residential Tenancy Act 1997* will include a set of minimum standards for residential tenancies. These standards will be phased in over several years to enable owners to ensure their properties comply with the standards.

THE NEW MINIMUM STANDARDS FOR RESIDENTIAL RENTAL PROPERTIES

It is a requirement for all new lease agreements signed after 1 August 2016 that the premise has:

- a flushable toilet with adequate ventilation
- adequate cooking facilities including:
 - a functioning sink with hot and cold water
 - an adequate stovetop for the size of the premise (at least 3 cooking elements for a premise with 3 or more bedrooms, and at least two for a smaller premise)
 - a functioning oven
- an adequate mains electrical supply
- a fixed heater (that is not an open fireplace unless specific approval is granted by the Commissioner)
- window coverings in any room that the owner knows is likely to be a bedroom or living area (this provision does not apply to social housing)
- adequate ventilation (ie through opening windows, vents or exhaust fans)

If the agreement was signed prior to the 1 August 2016, the owner has until 1 August 2018 to ensure all these requirements are met.

GENERAL CLEANLINESS AND GOOD REPAIR

From the 31 August 2015, owners must ensure a premise is clean prior to the start of any new lease agreement.

It is a requirement of all lease agreements signed from 1 August 2015 that the premise is weatherproof and structurally sound by 1 August 2016.

If the agreement was signed prior to 1 August 2015, the premise must be weatherproof and structurally sound by 1 August 2018.

If an agreement is signed after 1 August 2016, and a premise ceases to be in good repair through no fault of the tenant, then the premise must be returned to good repair. If the agreement was signed between 1 August 2015 and 31 July 2016, then the requirement begins on 1 August 2016. If the agreement was signed before the 1 August 2015, then the requirement begins on 1 August 2018.

APPLYING FOR AN EXEMPTION TO THE MINIMUM STANDARDS

While the minimum standards cannot be excluded or negotiated out of a residential tenancy agreement, an owner can seek an exemption from a minimum standard from the Residential Tenancy Commissioner.

An exemption could be granted to a specific premise or to a class of premises, but will only be granted for a specified period of time.

The Commissioner reserves the right to consider each application on its specific circumstances. The key factors considered will be:

- Does the premise achieve the intent of the standards despite it not complying (for example a group of residential tenancies have been developed to have a shared communal kitchen and dining area and therefore do not have all the cooking facilities within their tenancy)?
- Does the premise feature an alternative design or technological solution (for example, if a house has been built using double or triple glazing to remove the need for window coverings)?
- Will a tenant be unfairly disadvantaged by an exemption?

Examples of exemptions will be published on the website to assist owners in deciding whether to apply.

MAKING A COMPLAINT

If you are a tenant and are concerned that your premise does not meet the minimum standards, we recommend that you contact the owner or agent first. If you are unhappy with their response, you can make a complaint using the [Consumer Affairs Complaint Form](#)

MORE INFORMATION

If you have any questions about what your rights or obligations are in relation to minimum standards, you can contact either Consumer Affairs and Fair Trading on 1300 654 499 or the Tenants' Union on 1300 652 641

This fact sheet is intended as general information only and does not constitute legal advice.

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MINIMUM STANDARDS FOR RENTAL PREMISES 2015

From 1 August 2015 a range of minimum standards for rental premises will apply. These changes will be phased in to enable adequate opportunity for premises to be brought up to the required standard. A summary of the minimum standards is provided. For further details about these changes and time frames phone **1300 65 44 99** or email consumer.affairs@justice.tas.gov.au

SECTION OF THE ACT	MINIMUM STANDARD	DATE THE RENTAL AGREEMENT IS SIGNED	CORRESPONDING DATE FOR THE MINIMUM STANDARD TO BE IMPLEMENTED BY
s.36(I) Premises to be weatherproof and structurally sound	Premises to be weatherproof and structurally sound making sure the roof, floors, ceilings, walls and stairs: <ul style="list-style-type: none">• are in good repair• are not significantly damp• are not liable to collapse because they are rotted or otherwise faulty	Before 1 August 2015	1 August 2018
		Between 1 August 2015 and 31 July 2016	1 August 2016
		After 1 August 2016	Minimum standard applies immediately
s.36(J)(1) Cleanliness	A property owner must not enter into a rental agreement unless the premises are clean.	Between 1-31 August 2015	Does not apply
		After 1 September 2015	Minimum standard applies immediately
s.36(J)(2) Good Repair	A property owner must not enter into, extend or renew a rental agreement unless the premises are in good repair.	Between 1 August 2015 and 31 July 2016	Does not apply until 1 August 2016 (12 months after commencement)
		Before 1 August 2015 and renewal date is after 1 August 2018	1 August 2018 (3 years after commencement)
		After 1 August 2016	Minimum standard applies immediately

SECTION OF THE ACT	MINIMUM STANDARD	DATE THE RENTAL AGREEMENT IS SIGNED	DATE THE MINIMUM STANDARD MUST BE IMPLEMENTED BY
s.36(K) Bathrooms and toilets to be provided s36(L) Cooking facilities s36(M) Electricity and heating s36(N) Window covering for privacy 36(O) Ventilation	Premises must not be rented under a residential tenancy agreement unless there is: <ul style="list-style-type: none"> • a flushable toilet with adequate ventilation, that is connected to a sewer, septic system or any other council approved waste disposal system • functioning sink with hot and cold water • an adequate stovetop for the size of the premises • an adequate source of electricity • fixed heating (that is not an open fireplace unless specific approval is granted by the Commissioner) • Window coverings in any room that the owner knows is likely to be a bedroom or living area (this provision does not apply to social housing) • Adequate ventilation (ie through opening windows, vents or exhaust fans) 	Before 1 August 2016	1 August 2018. Minimum standard does not apply to new leases, lease extensions or renewals until 3 years after commencement
		After 1 August 2016	Minimum standard applies immediately

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CHANGES TO RESIDENTIAL TENANCY LAW FROM 1 OCTOBER 2014

THE RESIDENTIAL TENANCY AMENDMENT ACTS – 2013 AND 2015

The *Residential Tenancy Amendment Act 2013* commenced on 1 October 2014.

The *Residential Tenancy Amendment Act 2015* commences on 1 August 2015.

CHANGES FOR PROPERTY OWNERS AND TENANTS

With the commencement of the new laws, there are a range of changes in the rights and obligations of property owners and tenants.

The changes under the 2013 Amendment Act

- Changes to certain notice periods
- Changes to the role of the Residential Tenancy Commissioner
- Clarification about definitions and other various matters
- Several provisions specific to social housing

These new provisions have applied to all **new** agreements from 1 October 2014 and will apply to **all** residential tenancy agreements from 1 October 2015.

The changes under the 2015 Amendment Act

From June 2015

- The Act allows the changing of locks and security devices where the tenant is the subject of a family violence order or a Police Family Violence Order (Section 57 of the Residential Tenancy Act 1997)

From 1 August 2015

- A range of minimum standards for premises will be rolled out (refer to Fact Sheet for Minimum Standards for Rental Premises 2015)
- Owners will not be allowed to publish photographs or film/video of rental properties that identify the tenant or any other person without the tenant's permission.

CHANGES TO NOTICE PERIODS

In cases where a lease is not going to be renewed or extended beyond the term of the existing agreement, owners are required to give tenants on a fixed term agreement at least 42 days' notice.

Agreements of no fixed term can be ended if:

- There is an agreement to sell or transfer the property
- The property is to be used for another purpose (for example if the owner plans to live there)
- The premise is to be used as a residence by a member of the owner's family
- There are to be significant renovations to the property.

In these cases, the tenant needs to be given at least 42 days' notice.

If a property is to be foreclosed or sold by a mortgagee, the tenant is to be given 60 days' notice to vacate.

ROLE OF THE RESIDENTIAL TENANCY COMMISSIONER

The Residential Tenancy Commissioner is now the person responsible for considering applications regarding unreasonable rent increases and making orders for repair following receipt of an application of complaint from a tenant. Previously it was the Magistrates' Court that considered these applications.

This change will mean that the process will no longer involve an application fee and will not require an appearance in court.

An application can now be made using the Consumer Affairs complaint form.

More information on an application of complaint is available at www.consumer.tas.gov.au under 'rent increases and repairs'.

VARIOUS OTHER DEFINITIONS AND CHANGES

The Amendment Act also provides the following:

- Owners are required to repair or replace tap washers and light globes that are inaccessible
- Tenants are required to replace accessible light globes
- Rent can only be increased every twelve months – previously, rent could be increased six-monthly
- If a tenant continues to live in a property and pay rent when a fixed term agreement has expired, then the agreement immediately becomes one of no fixed term – previously there was a 28-day period before this change occurred
- An 'essential service' requiring repair can be 'replaced' if the replacement is of the same standard
- If a cooking stove requires repair, this must occur within 14 days – as opposed to 28 days for other general repairs
- Rental properties must be advertised and offered at a fixed price
- Rent bidding and price bands for rent are no longer allowed.

SPECIFIC PROVISIONS RELATING TO SOCIAL HOUSING

More information on the new provisions relating to social housing can be accessed by visiting the Housing Tasmania website at www.dhhs.tas.gov.au/housing

MORE INFORMATION

An updated version of *Consumer Affairs' Rental Guide*, including information on the minimum standards, will be released by 1 August 2015.

This Fact Sheet is intended to be a general summary of the new provisions. For further information on residential tenancies visit www.consumer.tas.gov.au or phone 1 300 65 44 99 or view the legislation at www.thelaw.tas.gov.au.

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