



# Consumer Affairs and Fair Trading

## Fact Sheet

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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](http://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](http://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](http://www.consumer.tas.gov.au) or phone 1300 65 44 99 or view the legislation at [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au).

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