



Consumer Affairs and Fair Trading

Fact Sheet

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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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