

# THINGS YOU CAN DO ABOUT THE REVIEW OF THE RESIDENTIAL TENANCY ACT 1987

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1. Read the Review document: [http://www.commerce.wa.gov.au/ConsumerProtection/PDF/Reports/review\\_RT1987.pdf](http://www.commerce.wa.gov.au/ConsumerProtection/PDF/Reports/review_RT1987.pdf)
2. Take time to learn the key points about what is wrong with the proposed legislation:
  - a. The Review favours tenants over owners – changes that are negative to owners outnumber positive changes by a ratio of more than four to one.
  - b. The Review is full of emotional and biased terms:
    - i. “unscrupulous owners” is used five times, with no useage of negative terms regarding tenants.
    - ii. “disadvantaged tenants” is used five times to enhance the impression that tenants are an oppressed class.
  - c. The proposals in the Review will create more adversarial relations between owner and tenant, they divide not unite.
3. Write to your local State Member of Parliament and express your objections.
4. Contact your local news media.
5. Tell other property owners about the proposed changes, and encourage them to become active and also join POAWA – we need more members urgently.

The detailed proposals I mentioned in my report are as follows:

- a. **Proposal 13** That Schedule 2 of the RT Regulations be amended to provide for a declaration, to be signed and dated by the tenant and the owner, confirming the giving and receipt of Schedule 2.
- b. **Proposal 14** That the RT Act be amended to make it an offence for an owner to fail to provide the tenant with a copy of Schedule 2 of the RT Regulations prior to or at the start of a tenancy agreement.
- c. **Proposal 17** That the RT Act be amended to require tenants to sign and date the two copies of Schedule 2 (Information for Tenant) of the RT Regulations, and return one of the copies to the owner within 14 days of receiving it from the owner.
- d. **Proposal 33** That the RT Act be amended to impose a penalty for failure by the owner to provide a completed property condition report to the tenant within the prescribed timeframe.
- e. **Proposal 37** That the RT Act be amended to remove the ability to charge option fees.

- f. Proposal 55** That section 29(2)(b) of the RT Act be repealed, thereby removing the exemption that enables owners who have lived in a property for the three months prior to it becoming a rental property to charge any amount as a bond.
- g. Proposal 64** That the RT Act be amended to confer upon the Commissioner for Consumer Protection the power to require owners who habitually fail to meet their maintenance obligations under the RT Act to lodge a security bond with the Bond Administrator, that can be accessed by tenants for compensation.
- h. Proposal 76** That the RT Act be amended to empower the Magistrates Court to backdate excessive rent orders to the date of a rent increase, or the date when there was a significant reduction in the chattels or facilities provided with the property, subject to consideration of the relative hardship to both the owner and the tenant before making such an order.
- i. Proposal 77** That the current ability to challenge excessive rent under section 32(2) of the RT Act be available to tenants at any time during a tenancy, and that the new ground in proposal 5.11 (with its 30-day application time limit) also allow for “out of time” applications to be heard at the discretion of the Magistrates Court.
- j. Proposal 79** That the RT Act be amended to require that, where rent is paid electronically under an agreement between an owner and tenant, the owner be required to issue to the tenant, on at least a quarterly basis, a statement of such payments that contains the same information as that required to be given on a standard rent receipt.
- k. Proposal 82** That the RT Act be amended to impose a penalty for a breach of a tenant’s quiet enjoyment.
- l. Proposal 83** That the RT Act be amended to enable a magistrate to make a compensation order in favour of a tenant, if the magistrate deems it appropriate, in addition to sentencing an owner for breach of a tenant’s right to quiet enjoyment.
- m. Proposal 85** That the RT Act be amended to state that, where an owner is required under the Act to give notice to the tenant before entering the property, the owner is required to make a reasonable attempt to negotiate an appropriate time of entry onto the property, and to take into account the circumstances of the tenant.
- n. Proposal 86** That the RT Act be amended to remove the owner’s current right to inspect the property when collecting the rent.
- o. Proposal 91** That the RT Act be amended to prohibit an owner from requiring a tenant to be absent from the property when an owner/real estate agent is showing prospective purchasers/tenants through a property.
- p. Proposal 92** That the RT Act be amended to allow a tenant to apply to the Magistrates Court for an order for compensation against the owner/agent, in the event that the owner, agent, or any other person entering a property with the owner’s/agent’s permission steals or damages a tenant’s goods.
- q. Proposal 95** Through its education program and working in conjunction with tenancy and real estate industry organisations, DOCEP endeavour to increase awareness and understanding among owners and tenants about:

- the rights and responsibilities of owners in relation to building, health and safety standards under all relevant legislation; and
  - the right of tenants to make an application to the Magistrates Court where an owner fails to carry out their obligations under relevant legislation.
- r. **Proposal 96** That the RT Act be amended to permit minimum standards of security to be maintained by the owner of a rental property to be prescribed by regulation.
- s. **Proposal 98** That the RT Act be amended to require that, if either party to a tenancy agreement makes a request for the consent of the other party to alter, remove or add any lock or security device to the property, that consent shall not unreasonably be withheld
- t. **Proposal 108** – Tenants may apply for an extension of the 60-day ‘no-grounds’ termination on the grounds of undue hardship, for another 60 days, ie a cumulative 120 days notice.
- u. **Proposal 113** – community education to inform tenants of the ability to lodge a complaint with DOCEP.
- v. **Proposal 115** – 30 day notice in writing of expiry of a fixed-term lease.