

RayWhite.

RENTAL REFORMS:

Residential Tenancies Overview



OVERVIEW

The Residential Tenancies Amendments Act contains supporting details about changes to the Residential Tenancies Act 1997. The Victorian Government will implement those changes by April 2021.

The regulations will affect rental providers (landlords) and the 1.5 million Victorians living in rental housing. This includes:

- Private rental housing
 - Public and social housing
 - Rooming houses
 - Caravan parks
 - Residential parks
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The changes will include things like:

- What rental minimum standards will look like
- Modifications renters can make to rental properties
- Updates to some forms for renters and rental providers.

This document provides you with an overview of the major changes.

**SIGNIFICANT
CHANGES**

STARTING A TENANCY

Pre-contractual disclosure

Before entering into a rental agreement, the rental provider must disclose to the renter whether the property is on the market for sale or is being repossessed, or if they are not the owner of the property, and information about any embedded energy network.

LIVING IN A RENTAL PROPERTY

Rental provider must provide a free set of keys for each renter

Rental providers (landlords) must provide each renter with a free set of keys or security device. Rental providers can only charge a reasonable fee for additional or replacement keys or devices.

Evidence for change of use notice to vacate

Rental providers must attach documentary evidence to a notice to vacate for change of use. The Director of Consumer Affairs Victoria will specify the types of evidence that must be used, for example a building permit.

REPAIRS, MODIFICATIONS AND CONDITIONS

Rental minimum standards

Rental providers have a duty to ensure their rental property meets the rental minimum standards.

Rental property must be kept in good repair and reasonably fit for occupation

Rental providers (landlords) must ensure the rental property is provided and maintained in good repair and is in a reasonably fit and suitable condition for occupation. This applies regardless of the amount of rent paid or the property's age and character.

Non-compliance with minimum standards

Rental providers must ensure that the property complies with minimum standards before a renter moves in.

If a property does not comply with the minimum standards, the renter can terminate the rental agreement before they move in, or they can request an urgent repair.

Expanded definition for urgent repairs

Urgent repairs now include repairs or replacements relating to air conditioning, safety devices and any fault or damage which makes the property unsafe or insecure, including pest infestations, or mould or damp caused by or related to the building structure.

Urgent repairs guidelines

The Director of Consumer Affairs Victoria will issue guidelines clarifying timeframes for responding to urgent repairs. VCAT must consider the guidelines when determining urgent repairs disputes.

Increased limit for urgent repairs reimbursement

The money limit for renters to authorise urgent repairs when their rental provider has not promptly responded to an urgent repair request has been increased.

New rules for renters making modifications to rented property

Renters can make prescribed modifications without the rental provider's consent. There are other modifications which a rental provider cannot unreasonably refuse consent to renters making.

Safety-related activities

Renters and rental providers must undertake safety-related activities set out in the rental agreement. Where necessary, they must ensure the activity is carried out by a suitably qualified person.

Records of gas and electrical safety checks

Rental providers must comply with prescribed requirements for keeping and producing records of gas and electrical safety checks conducted at the property.

Locks for external doors and windows

Rental providers must ensure that external doors are secured with a working deadlock and each window capable of having a lock has one.

There are exceptions, for example if there is a screen door attached to an external door with a deadlock.

Rental provider joining owners corporation to repair application

Where an application is made to VCAT for a breach of duty where the alleged repair involves a problem or defect originating from the adjoining common property, the rental provider may join any relevant owners corporation as a party to the application.



For more information, please visit

<https://www.consumer.vic.gov.au/housing/renting/changes-to-renting-laws>