
What's the law? – Renting

Presenter's notes

How to use these notes

Topic: Tenancy rights and responsibilities, condition reports, lessor (in the *Residential Tenancies Act 1987* (WA) (the Act) the landlord is referred to as the lessor) responsibilities.

Resources: *What's the law?* free online resource 'Renting', which contains a photo story, activity sheets and answer sheets.

These notes provide guidelines for a presenter's script and information on how to use the photo story on this topic when presenting to a community group. The notes contain a story summary, key questions and answers, key messages, areas for further discussion and referral information.

Preparing to present

It may be useful to read the activity and answer sheets to prepare for your presentation – they may give you ideas for additional questions and activities for your group. It is also a good idea to look at the websites and referral information provided under 'Possible discussion points and referral information' below.

If you need assistance with presentation skills, engagement ideas or coordination support for the group you are preparing for you can contact cle@legalaid.wa.gov.au or (08) 9261 6500.

Introduce yourself and *What's the law?*

Before you begin your presentation, introduce yourself, your role and your organisation.

For example, if you work at Legal Aid WA:

- Legal Aid WA helps the community in many different ways if they have problems with the law. We provide legal education to newly-arrived communities about their rights and responsibilities.

Refer to the *What's the law?* free online resource and its purpose by mentioning these key points:

- We see many different newly-arrived communities get into trouble with the law and often it is the same legal problems that arise. These legal troubles can be avoided if you know some simple information about the law and where to go to for help before your problem becomes serious.
- The photo stories in *What's the law?* have been made to help you learn about the law on thirteen different topics.

Begin with some introductory statements and general questions about the topic:

- Today we will show you a photo story about problems with the poor condition of a rental unit and other issues that can arise when renting.

- There are many rules about renting. There are obligations and rights for both the tenant and the owner of the property.
- Who rents a property? Do you rent it through a property manager (often through a real estate agency) or directly through the lessor?
- Did you pay a bond?

Summarise the photo story

- In this story, Saw Paw and Nan sign a lease agreement with the property manager, pay a bond and check the property for any existing problems or damage.
- After living in the unit for a few weeks, the oven stops working and the lessor does not come to fix it.
- The lease ends and Saw Paw and Nan do not get their bond money back.

Ask key questions

To strengthen engagement with the photo story and develop the group's legal literacy, ask key questions before showing the story. This will encourage the group to watch actively and think about key messages.

While you are watching the photo story think about the next three questions:

What is a condition report?

What should you do if something needs fixing at the property?

What happens if you complain about the property or the lessor? Will your bond be taken off you or will you be kicked out?

Show the photo story



Answer the key questions

Ask the same key questions after you show the story and allow for discussion to tease out the right answers.

What is a condition report?

- A report you complete when you sign a lease agreement.
- It is evidence (it shows the truth) of what is wrong with the property when you move in. Make sure you look in every room of the property for any damage and note the details in the report. You may even want to take photos.
- If there is something wrong with the property before you move in (like a broken window) and you don't note it in the condition report, the lessor may take money out of your bond to fix it.

What should you do if something needs fixing at the property?

- The lessor has responsibility for keeping the property in a good condition and fixing things that are not working.
- You should write a letter to the lessor or property manager to request repairs. Keep copies of these letters.
- If you need help writing a letter call the **Legal Aid WA Infoline** on **1300 650 579**. They will advise you of your nearest community legal centre or Legal Aid WA office. You can also call the **Tenancy WA** on **(08) 9221 0088** (Metropolitan) or **1800 621 888** (Country Free Call).

What happens if you complain about the property or the lessor? Will your bond be taken off you or will you be kicked out?

- No, if you complain you will not be kicked out or 'evicted'. The lessor must fill out paperwork and get the court's permission if they want to evict you.
- Your bond will not be taken off you as it is held by the Bond Administrator, which means that it's still your money and doesn't belong to the lessor or property manager. However, at the end of your lease the lessor may be able to apply to take all or part of your bond to pay for any damage you caused to the property or for unpaid rent.

Emphasise key messages

- Make sure you complete a condition report when you sign the lease agreement.
- Keep copies of any letters from and to the lessor.
- Make sure you understand all the details in the paperwork about the lease agreement and bond before signing or paying any money.
- Call Legal Aid WA or your community legal centre or the Tenancy WA Advice Line if you have legal problems or have to go to court.

Further questions and discussion

- Does anyone have any questions?

If you are not a lawyer you can provide referral information to the group. Individual legal issues which require legal assessment or advice should be referred to the **Legal Aid WA Infoline** on **1300 650 579** or the closest community legal centre (<http://www.communitylaw.net/>) or Legal Aid WA office.

Possible discussion points and referral information

Repairing damage

- Lessors have a duty to make sure that the properties they rent out are in reasonably clean condition at the start of a tenancy, and that they are kept in good repair.
- **Tenancy WA Advice Line: (08) 9221 0088** (Metropolitan) or **1800 621 888** (Country Free Call). Factsheets: <http://www.tenancywa.org.au/publications/> – Maintenance and Repairs.

Eviction

In most cases when a lessor wants to terminate a tenancy, they must give you notice of termination. In some circumstances they can apply directly to the Magistrates Court for termination.

A lessor cannot lock you out or threaten to lock you out of the rental property. They must follow the correct procedure. Only a bailiff can evict you from the property. If the lessor does turn up without the bailiff, you do not have to leave.

- **Tenancy WA: (08) 9221 0088** (Metropolitan) or **1800 621 888** (Country Free Call). Factsheets: <http://www.tenancywa.org.au/publications/> – Eviction – Lessor is Ending your Tenancy.

Lessor increases rent

The amount of rent you pay under your tenancy agreement may only be increased according to the process set out in the Act.

There are different rules depending on whether you have:

1. a fixed term lease
2. a periodic lease
3. a lease where your rent is calculated by reference to your income (usually in public housing and community housing).

If you are not sure which type of agreement you have, a tenant advocate can advise you.

- Contact **Tenancy WA: (08) 9221 0088** (Metropolitan) or **1800 621 888** (Country Free Call) or visit <http://www.tenancywa.org.au/> to find your nearest tenant advocate. Factsheets: <http://www.tenancywa.org.au/publications/> – Rent Increases

Other sources of information about tenancy

- **Tenancy WA** has other factsheets that may assist.
- **Welfare Rights and Advocacy Service** <http://www.wraswa.org.au/> **(08) 9328 1751** provides advice, information, referral and ongoing casework assistance for residential tenancy issues to tenants in the geographic catchment area in the lower North Zone of Perth which incorporates the Local Government Area (LGAs) of City of Perth, Mosman Park, Cottesloe, Peppermint Grove, Claremont, Nedlands, Subiaco, Vincent, Wembley, Wembley Downs, Mount Lawley, Cambridge, Glendalough, Bayswater, Coolbinia, Menoora and Scarborough. You can also access factsheets on the website on Applying for Public Housing, Break Lease, Proof of Identity and S75A and Disruptive Behaviour Management Unit.

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