

Comfort? Security? New Tenancy Act provides



# Minimum Standards

Information for Tenants

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*Minimum Standards are found under the Residential Tenancy Act 1997 (the Act) and regulate the condition of a rental property at the beginning of a tenancy as well as maintenance of this condition during a tenancy. The new Minimum Standards will come into force over time - see notes in italics.*

## General Condition of a Rental Property **Weatherproof & Structurally Sound**

*From 1 August 2018 for lease agreements entered before 31 July 2015. From 1 August 2016 for all others.*

With the passing of the Residential Tenancy Amendment Bill 2015 minimum standards for rental properties were introduced, stating that premises used for residential tenancies must be weatherproof and in a proper state of structural repair.

'A proper state of structural repair' is defined as the roof, floors, ceiling, walls and stairs being in good repair, not significantly damp and not liable to collapse because they are rotted or otherwise defective.

## Clean

*For all new tenancies from 31 August 2015*

A landlord or agent cannot enter into a lease agreement unless the premises are clean.

Whilst the Act does not define the word clean, the premises and fittings should be clear of dirt, mould, removable stains and unwanted matter.

## In Good Repair

### *At the beginning of a tenancy*

*From 1 August 2016 for all new tenancies*

A landlord or agent must not enter into, extend or renew a lease agreement unless the premise is in good repair.

Whilst no definition of 'good repair' is found in the Act, an explanation provided by Tenants Queensland describes good repair as fit for to live in, reasonably secure and in compliance with laws relating to health and safety.

### **During a tenancy**

*From 1 August 2016 for all tenancies entered or renewed after 1 August 2015 and from 1 August 2018 for all other tenancies*

The minimum standards require that an owner, as soon as practicable after they become aware that the premises are not in good repair, take all reasonable steps to return the premises to good repair. This does not apply if the tenant is responsible for the lack of good repair.

While the owner is responsible for repairing damage not caused by the tenant, under the repairs and maintenance section of the Act, this section now adds the responsibility of the owner to remedy what is known as 'reasonable wear and tear'.

As an example, it is reasonable that after 10+ years carpets may cease to be in good repair and an owner has to take steps to replace them.

Find the estimated lifespan of other assets in: Taxation Ruling TF. Income tax: effective life of depreciating assets. Residential property operators, p.206

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# Tenants' Union of Tasmania

The information in this fact sheet is not legal advice. It is intended as a guide only. It applies only to legislation current in Tasmania as at 1st August 2015. For information regarding a specific tenancy problem, please phone the Tenants' Union on (03) 6223 2641 or 1300 652 641. The Tenants' Union of Tasmania Inc accepts no responsibility for actions based on this information, nor for actions based on electronic translations of this.

## Required Amenities

### *Fully Implemented*

#### **Locks**

A dwelling must have security devices fitted and maintained as necessary to keep the premises secure throughout the lease agreement.

#### **Smoke Alarms**

Premises must be fitted with smoke alarms, which will generally be located in a corridor or hallway on each storey of the premises, near the bedrooms.

Smoke alarms can be battery operated until 30 April 2016. From 1 May 2016 smoke alarms will be required to be either mains powered or contain a 10-year non-removable battery. At the beginning of a tenancy the owner must ensure, that alarms function effectively, neither alarms nor batteries have reached their expiry date and will not do so within 30 days of the tenancy commencing, and that alarms are free from dust and debris.

**New minimum standards for amenities are being phased in:** *For all new lease agreement entered after 1 August 2016 they apply immediately. In leases entered before 31 July 2016 a landlord needs to comply with the minimum standards from 1 August 2018. The new required amenities include the following:*

#### **Toilet**

A premise must contain a flushable toilet, which is either connected to a sewer, a wastewater system (incl. septic system) or any other system approved by the council. The toilet must be in a room, that is either solely for the purposes of a toilet or in the bathroom, which is required to contain some form of ventilation, like a window, or a functioning device, which mechanically ventilates the room.

#### **Bathroom**

The bathroom, which might also contain the toilet must be in a separate room, designed to permit a person to use it in private. It has to contain either a shower, a bath or both, and a washbasin. Any washbasin, shower and bath must be connected to a water system enabling a

continuous supply of a reasonable amount of hot and cold water to each amenity.

#### **Laundry**

A premise used for a residential tenancy must contain a laundry, which means facilities from which a washing machine can be connected to, not the washing machine itself.

#### **Cooking Facilities**

There must be an area in the rental premise intended to be used for cooking, like a separate kitchen or a designated open plan kitchen area.

The kitchen /kitchen area has to contain a functioning kitchen sink, connected to a water system with a continuous supply of hot and cold water.

It must contain a functioning stovetop, which in a premise with 2 or less bedrooms will have at least two hot plates, and in premises with 3 or more than bedrooms at least 3 hot plates.

Furthermore, there needs to be a functioning oven, which can be a conventional oven, a convection oven, a microwave or a combination of any such ovens.

#### **Electricity**

A premise must either be connected to a mains electricity supply or a functioning device, that is capable of producing and supplying electricity to the premises and is connected to the electrical wiring system. The amount of electricity must be sufficient to provide for the needs of the number of people the premise is designed to accommodate.\*

Furthermore, all power points and wires of the electrical wiring system must be safe, and unless stated otherwise in the condition report, functioning.

*\*According to [www.energymadeeasy.gov.au](http://www.energymadeeasy.gov.au) a four person household in Hobart for example has an average energy consumption of 42.1kWh on a winter day; a two person household in the same area only uses 30.8kWh on average at the same time.*

## Lights

Every room, apart from rooms that are solely intended to be used as storage or as a garage must have adequate lighting.

## Heating

The room, that is most likely to be used as the main living area, must contain either an electric or gas heater that is a fixture, or a heat pump, or a wood heater. An open fire place cannot be the main heating source unless approved by the Residential Tenancy Commissioner. The commissioner may add conditions to the approval.

## Window Coverings

Each window in a room, that is likely to be used as a bedroom or living area has to be covered by curtains or blinds for the purpose of protecting tenants' privacy.

Note: Housing Tasmania and Community Housing properties are exempt from this provision.

## Ventilation

Adequate ventilation has to be provided to each room. A room is considered adequately ventilated, when it has a window to an outside area. The window should not be smaller than 5% of the floor area of the room.

If there is no window to an outside area, the room can alternatively be connected to another

room, which has a window or a door and does not contain a toilet. Both the connecting opening between the two rooms and the other door or window in the second room must each be larger than 5% of the floor area of the second room.

For the sake of combining security and adequate ventilation, windows must be lockable into a position that creates a gap between the window and the window frame. The gap should be not less than 15cm wide and should not enable a person to enter the room in which the window is situated.

Rooms including toilets, bathrooms and laundries may also be ventilated by an exhaust fan or a similar device, that takes air either from the room to the outside or an adequately ventilated roof space.

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## USEFUL CONTACTS

Tenants' Union of Tasmania Inc  
166 Macquarie Street Hobart  
☎ 6223 2641 or 1300 652 641  
[www.tutas.org.au](http://www.tutas.org.au)

Residential Tenancy Commissioner  
(Consumer Affairs & Fair Trading)  
☎ 1300 654 499

Legal Aid Commission of Tasmania  
☎ 1300 366 611

Housing Connect  
☎ 1800 800 588

Hobart Community Legal Service  
☎ 6223 2500

Launceston Community Legal Service  
☎ 1800 066 019

North West Community Legal Service  
☎ 6424 8720