

Comfortable? Secure? What needs to be in it...



# Minimum Standards

Information for Tenants

All rental properties are required to meet the following minimum standards at the start of the tenancy:

- Must be in good repair, weatherproof and structurally sound;
- Must be clean;
- Must be securely lockable;
- Must have a smoke alarm;
- Must have a fixed heater in the living room;
- Must have a flushable toilet;
- Must have a separate bathroom; Must have a bath or shower;
- Must have a reasonable supply of hot and cold water;
- Must have a stove and oven;
- Must have a wash basin and a kitchen sink;
- Must have electricity;
- Must be ventilated;
- Must have curtains or blinds in living room and bedrooms – unless social housing

If the landlord does not ensure that the property meets the minimum standards when the tenancy begins, they will be in breach of the lease. A landlord must carry out an inspection before the lease begins to ensure that the property meets the minimum standards.

If the property does not meet the minimum standards, the tenant can make a complaint to the Residential Tenancy Commissioner. While the RTC cannot directly order the landlord to comply, they have the power to fine landlords that are in breach of their obligations.

The tenant may also terminate their lease by issuing a Notice to Terminate, with 14 days notice. For more information, please contact the Tenants' Union.

The tenant may also seek compensation. Please contact the Tenants' Union for advice and assistance.

## General Condition of a Rental Property

### Weatherproof & Structurally Sound

Premises used for residential tenancies must be weatherproof and in a proper state of structural repair.

For a property to be weatherproof, it must be protected from rain, wind, snow, and other elements.

'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

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*

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*

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: ATO's Guide for Rental Property Owners

### Required Amenities

#### **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.

All smoke alarms are 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 the 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.

#### **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 local 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 device which mechanically ventilates the room, such as a fan.

## **Bathroom**

The bathroom, which might also contain the toilet, must be in a separate room, and be 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.

## **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 a reasonable amount of hot and cold water.

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

Furthermore, there needs to be an oven, which can be a conventional oven, a convection oven, or a microwave.

## **Electricity**

All rental premises 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, such as a generator. 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 artificial or natural 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.

## 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. Windows that are able to be opened 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 outside the house or to an adequately ventilated roof space.

---

## CONTACTS

**Tenants' Union of Tasmania (TUT):** advice, legal support & representation for residential tenants  
Hobart & Launceston ☎6223 2641 or 1300 652 641 tenants@netspace.net.au www.tutas.org.au

**Residential Tenancy Commissioner (RTC):** information for all, Bond matters, Repair orders  
Statewide Service Tasmania offices ☎1300 654 499 www.cbos.tas.gov.au

**Tasmania Legal Aid:** legal advice & representation to low income earners ☎1300 366 611

**Housing Connect:** centralised point of contact for government housing services, including emergency shelters, public and community housing, bond assistance and more  
Statewide www.communities.tas.gov.au ☎1800 800 588