

Getting help with rental home problems

A tenant's guide



A guide explaining your
rights and responsibilities
as a tenant.

How Consumer Protection can help

Contact us if you need help with:

- rental agreements;
- rights and responsibilities of tenants and landlords;
- bonds and rent increases;
- repairs and maintenance;
- family and domestic violence in a rental;
- help with issues while renting; or
- ending a tenancy.



About this guide

This guide helps you (a tenant) with handling problems when renting a home. It is a part of a set to help tenants understand their rights and responsibilities in different stages of renting a home. Other guides in this series include:

- **Looking for a rental home.**
- **Living in a rental home.**
- **Leaving a rental home.**

For more detailed information, please visit our [website](#).

Understanding rental terms

Tenants are the people who live in the rental home. **Landlords** are the property owners or their agents who manage it. **Rental agreements** (residential tenancy or lease) exist when a tenant is given the right to live in a home by the landlord in exchange for rent.

Rental laws

The rights and responsibilities for landlords and tenants in Western Australia are covered by the [Residential Tenancies Act 1987](#) and the [Residential Tenancies Regulations 1989](#), which are managed by Consumer Protection.

The rental laws in WA apply to most rental homes and government housing. They do not apply to boarders and lodgers, most long-stay caravan and park home residents, retirement villages, holiday accommodation, hotels/motels, colleges, educational institutions (unless a for-profit organisation provides the accommodation), hospitals/nursing homes, clubs or certain homes for aged or people with disabilities.

Contacting Consumer Protection

If you are unsure whether rental laws apply to your agreement, contact Consumer Protection via email at consumer@lgirs.wa.gov.au or by phone on 1300 30 40 54.



Resolving disputes

A dispute or problem is when two or more people disagree about something. In a rental, this could be about having a pet, the condition of the home or paying rent.

Most simple problems can be resolved by email or with a quick phone call. Some problems may need help to find a solution. This guide will help you with your options on how to handle problems in a rental home.

Common problems

Most rental disputes relate to:

- responsibilities and costs related to maintenance or repairs;
- overdue rent payments;
- rent increases;
- bond refunds; and
- ending agreements/breaking a lease.

There are steps you can follow to resolve these problems. Keep a detailed record of where and when events, calls or meetings took place, and if anything was decided. Always ask for any proposed solutions or agreements to be put into writing. You can then reply to confirm if you agree or not.

You must continue to pay your rent no matter how big or small the problem is. If you do not, your landlord can end your agreement and you may have to move out.



Steps to resolving disputes

- 1 Talk about it
- 2 Contact Consumer Protection
- 3 Issue a breach notice
- 4 Ask for a Commissioner's decision
- 5 Go to court

Step 1: Talk about it

Before seeking outside help, try to talk about any concerns directly with your landlord.

Check your agreement before speaking to them to understand your rights and obligations.

If your problem involves damages or repairs, you should also review the property condition report. Your landlord may need time to fix things, you can ask how long they will take.

You have the right to complain about problems you believe breach the agreement and have your complaints dealt with fairly.

Step 2: Call Consumer Protection

If you are unable to reach an agreement with your landlord, want to know your rights or lack confidence in negotiating, call Consumer Protection at 1300 30 40 54.

Consumer Protection provides advice to tenants and landlords and offers a free conciliation service.

Conciliation is voluntary, both you and your landlord must agree to take part. Any agreement will be put into writing. We cannot order the landlord to take any action, only a court can do this.

If your issue is about keeping a pet or making a change to your rental home, you may be referred to the Commissioner's Determinations team. We can make orders in this process.

Step 3: Issue a breach notice

You need to follow certain procedures when you serve a breach notice. You can deliver the notice in person to your landlord, email it (if that is your agreed method of communication) or send it by regular mail. You should not use registered post to send a notice. When a breach notice is given, there is a time limit for you or the landlord to respond. (See breaches of your agreement on [page 5](#)).

More information about: **Rental forms and notices**



Step 4: Going to court

The Magistrates Court has the final say on rental disputes. Disputes between landlords and tenants are handled as 'special minor cases'. Claims about bond release can be for any amount.

You do not need a lawyer, as the proceedings are private and informal. You and your landlord can represent yourselves.

Breaches of your agreement

You or your landlord can issue a breach notice if either of you do not follow the rules set out in your agreement.

Overdue rent payments

If you have trouble paying your rent, contact your landlord as soon as possible, especially if your rent is overdue.

If your rent is late, your landlord can give you either:

- [Breach Notice for Non-payment of Rent](#) (Form 21) which will give you up to **14 days** to pay what you owe. After this, a landlord can give you a [Notice of termination for non-payment of rent](#) (Form 1A).
- [Notice of Termination for Non-payment of Rent](#) (Form 1B), which will give you **seven days** to pay or move out.

If you refuse to move out, the landlord can apply to the Magistrates Court for a court order to evict you.

If you received the Form 1B, you can stop the court action by paying the outstanding rent and the court application fee before the court date. The landlord cannot continue with the court action against you.

Tenant breaches

Anything you do that is not allowed in your agreement is a breach. For example:

- sub-letting to others if not previously agreed;
- not keeping your home reasonably clean;
- causing damage;
- changing locks without approval (except to prevent family or domestic violence);
- disturbing your neighbours;
- failing to maintain the garden and lawns;
- using your rental home for illegal activity; and
- using the home for business purposes without the landlord's approval.

If you breach your rental agreement, your landlord must give you **14 days** to fix the situation. They must send you a letter or a [Notice to tenant of breach of agreement](#) (other than failure to pay rent) (Form 20) detailing the problem.

If you don't fix things within **14 days**, they can send a [Notice of termination](#) (Form 1C) to end the agreement after an additional **seven days**.

If you cause serious damage, or your landlord believes your behaviour will likely result in damage, they can apply to the Magistrates Court for an order to end the agreement without having to first issue a breach notice or termination notice.

Landlord breaches

Landlords will be in breach of the agreement if they:

- enter your home without giving the required notice;
- demand extra or early rent payments;
- remove facilities that were part of your home when you signed the agreement; and
- try to force you to leave before the agreement ends without reason.

If you believe your landlord has breached the agreement, you can serve a [Notice to lessor of breach of agreement](#) (Form 23), or write a letter to them.

Magistrates Court



If your issue needs to go to court you will need to prepare yourself. There is a lot of information to help you:

Legal aid

[Tips for going to court](#) is a video to help you get ready for court.

Magistrate Court

[Fees, forms and factsheets](#).

Consumer Protection

[Tips for going to court about rental property issues](#). Includes a list of common court terms.

Quick guide to going to court

1. Register to use the Magistrates Court's eCourts portal. Use the eLodgement system to apply online.
2. Upload all supporting documents online before your court date. If you cannot submit online, contact the Magistrates Court.
3. The system should select Form 6 for bond disputes or Form 12 for other rental issues.
4. Clearly list the issues and what you want. For example, repair the oven, refund rent. Incomplete information can delay proceedings.
5. The court will inform your landlord, who has **14 days** to respond. They can:
 - Ignore the application (court decides based on your evidence).
 - Comply with your request.
 - Defend themselves in court.
6. The case is usually heard at the Magistrates Court nearest to the rental property. Both parties can be represented by a not-for-profit organisation representative. Submit Form 24 if you need a representative.
7. Prepare for court by making copies of your evidence and listing key points to support your argument.
8. On the court day arrive early and inform the court orderly. Follow court rules and procedures.
9. A pre-trial conference may be held to try to settle the matter. Any agreement reached is final.
10. A court can issue an order to end a rental agreement, pay compensation or another action. You cannot appeal the decision unless there was a lack of jurisdiction or natural justice. If ordered to pay, do so by the date stated, or a payment plan may be enforced.

Contact Legal Aid, the Magistrates Court or Consumer Protection if you need help.

Getting help with rental home problems checklist



- ☐ Review your lease agreement for any sections related to the issue. Understand your rights and responsibilities outlined in the agreement.
- ☐ Notify your landlord in writing about the issue as soon as possible. The issue may be resolved by simply writing or talking to them first.
- ☐ Provide a clear description of the problem and request a resolution. For example, maintenance needed, added safety or extra time to pay rent.
- ☐ Take photos or videos of the problem if relevant. For example, maintenance or safety.
- ☐ Give your landlord a reasonable amount of time to address the issue. For example, within **24–48** hours for **urgent repairs** such as burst pipes, gas leaks.
- ☐ If the landlord does not address urgent repairs promptly, you can arrange for the repairs to be done and seek reimbursement.
- ☐ For non-urgent repairs, if the landlord does not respond or resolve the issue within the specified time, send a follow-up request in writing.
- ☐ Keep copies of any communications including who you contacted, dates, times and details of the issue.
- ☐ Understand you are still required to pay rent to avoid eviction, even if there are ongoing issues.
- ☐ Landlords cannot retaliate against you for asserting your rights, such as issuing a breach notice, increasing rent or ending the tenancy without proper grounds.
- ☐ If the problem remains unresolved, contact Consumer Protection for advice or mediation.
- ☐ If the issue is complex or you are unsure of your rights, seek advice from a legal professional or tenants' advocacy service.
- ☐ If necessary, you can apply to the Magistrates Court for an order to resolve the issue.
- ☐ If taking the matter to court, gather all evidence, documentation and witnesses to support your case.

Government of Western Australia
**Department of Local Government,
Industry Regulation and Safety**

www.lgirs.wa.gov.au

Regional offices:

Goldfields/Esperance	(08) 9021 9494
Great Southern	(08) 9842 8366
Kimberley	(08) 9191 8400
Mid West	(08) 9920 9800
North West	(08) 9185 0900
South West	(08) 9722 2888

Consumer Protection Division

Gordon Stephenson House
Level 2/140 William Street
Perth Western Australia 6000

Locked Bag 14 Cloisters Square Perth WA 6850

Call: 1300 30 40 54

Email: consumer@lgirs.wa.gov.au

www.consumerprotection.wa.gov.au



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