

Decision of the Commissioner for Consumer Protection

Section 11J(2) *Residential Tenancies Act 1987*

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| Application Number: | [redacted] |
| Application Type: | Landlord application to refuse minor modification request |
| Premises: | [redacted] |
| Bond Amount: | \$3,600 |
| Tenant(s): | [redacted] and [redacted] (the tenant) |
| Landlord(s): | [redacted] and [redacted] (the landlord) |

Decision

The Commissioner orders:

1. The landlord's application is refused.
2. The tenant is permitted to make the requested minor modification at the premises.

Request

On 8 December 2025, the tenant requested to drill holes into the external wall near the main door for installation of a doorbell with in-built camera (the requested minor modification) at the premises, following the process established in the *Residential Tenancies Act 1987 (WA) (RTA)*.

Application

On 15 December 2025, the landlord applied to Consumer Protection for approval to refuse the tenant's request.

The landlord's refusal was on the grounds that:

- The minor modification is on a surface of tile, exposed brick, or exposed concrete. Drilling, nailing or altering the surface will cause significant damage.

Evidence

The landlord and tenant were invited to provide evidence to support their views about the application.

The landlord provided the following evidence:

- Written submissions to Consumer Protection.
- Minor Modification Form 26.
- Photographs of the external rendered brick wall.

The tenant provided the following evidence:

- Verbal statements to Consumer Protection.

Law

Under the RTA, tenants have the right to make a minor modification at their rental premises with the landlord's approval.¹

Unless otherwise agreed in writing, the tenant is responsible for the cost of:

- making the modification; and
- removing the modification; and
- restoring the premises to the original condition.²

Landlords have the right to apply to Consumer Protection for an order allowing them to refuse the minor modification request.³

When an application is received, the Commissioner is required to either:

- approve the landlord's application; or
- order the landlord to approve the tenant's request.⁴

The Commissioner may approve this application if satisfied that the ground claimed by the landlord is established. In this case, the claimed ground is:⁵

- The minor modification is on a surface of tile, exposed brick, or exposed concrete. Drilling, nailing or altering the surface will cause significant damage.

The landlord is responsible for demonstrating that this ground applies.

The Commissioner may set conditions on the approval of the tenant's request.⁶

Reasons for Decision

As a delegate of the Commissioner, I have reviewed all evidence. Only the evidence relevant to deciding this application is mentioned in these reasons for decision.

Is there a significant risk of damage because the requested minor modification involves drilling or permanently altering tile, exposed brick, or exposed concrete?

In written submissions to Consumer Protection, the landlord stated that if the tenant drilled into the rendered brick wall, the premises could not be restored to its original condition.

The landlord explained that the frontage of the premises consists of hollow bricks with concrete fillings, a well-rendered surface, and a layered weather-guard paint finish. The landlord also provided a photo of the external wall near the main door, which confirms the brick wall is rendered and painted.

The *Residential Tenancies Regulations 1989* allow a landlord to refuse a minor modification request where the minor modification involves drilling, nailing, or otherwise permanently altering a surface which is tile, exposed brick, or exposed concrete, and where there is a significant risk of damage from the minor modification.⁷

This reason for refusal is not suitable for the requested minor modification, as the doorbell is not going to be installed on exposed brick. Drilling holes in a rendered brick wall does not present a significant risk of permanent damage, as the holes can be filled and patch painted to restore the surface back to a reasonable condition.

¹ Section 50N *Residential Tenancies Act 1987* (WA).

² Section 50ZB *Residential Tenancies Act 1987* (WA).

³ Section 50S(1) *Residential Tenancies Act 1987* (WA).

⁴ Section 50S(2) *Residential Tenancies Act 1987* (WA).

⁵ Section 50S(3) *Residential Tenancies Act 1987* (WA).

⁶ Section 50S(4) *Residential Tenancies Act 1987* (WA).

⁷ Regulation 12BF *Residential Tenancies Regulations 1989* (WA).

The landlord has not provided evidence to show how or why the requested minor modification would cause a significant risk of damage.

Having regard to the information before me, I am not satisfied that the requested minor modification would cause significant risk of damage. The landlord's application is refused.

Appeal

A tenant or landlord who is dissatisfied with this decision can appeal to the Magistrates Court of Western Australia. Appeals must be lodged within seven days after receiving this decision, or a later date if leave is granted by the Court.

The appeal can be started by lodging both a [Form 1B – Appeal Against Registrar's Decision](#) and a copy of this notice with the Magistrates Court online at ecourts.justice.wa.gov.au/eCourtsPortal.

For information about appealing the decision see <http://www.commerce.wa.gov.au/consumer-protection/commissioner-determinations>.

Signed

[redacted]

Delegate of the Commissioner for Consumer Protection

DATE OF ORDER AND WRITTEN REASONS

8 January 2026