

# Decision of the Commissioner for Consumer Protection

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

<b>Application Number:</b>	[redacted]
<b>Application Type:</b>	Landlord application to approve minor modification request with condition(s)
<b>Premises:</b>	[redacted]
<b>Bond Amount:</b>	\$3000.00
<b>Tenant(s):</b>	[redacted] [redacted]
<b>Landlord(s):</b>	[redacted] [redacted]

### Decision

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The Commissioner orders:

1. The landlord's application is refused.
2. The tenant is permitted to make the requested minor modification at the premises.
3. The following conditions are refused:
  - a. The TV bracket must be installed only on the double-brick wall in the living room.
  - b. All cabling is to be run through the double-brick wall and connected to the existing power points located on that wall.
  - c. The installation must be carried out by a qualified and insured installer using fixings appropriate for masonry construction.
4. The following condition is approved:
  - a. The installation must be carried out using fixings appropriate for masonry construction.

### Request

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On [redacted] December 2025, the tenant requested a wall anchoring device for mounting a television bracket (the requested minor modification) at the premises, following the process established in the *Residential Tenancies Act 1987 (WA) (RTA)*.

### Application

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On [redacted] December 2025, the landlord applied to Consumer Protection for permission to set conditions on the approval of the tenant's request.

The landlord's requested conditions are:

- The TV bracket must be installed only on the double-brick wall in the living room.

- The installation must be carried out by a qualified and insured installer using fixings appropriate for masonry construction.
- All cabling is to be run through the double-brick wall and connected to the existing power points located on the wall.

## **Evidence**

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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 Request Form.
- Floorplan showing approved location for bracket installation.
- Image showing the TV set up.
- Image of living room wall with power points installed.

The tenant provided the following evidence:

- Verbal statements to Consumer Protection.

## **Law**

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

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.<sup>2</sup>

Landlords have the right to apply to Consumer Protection for an order allowing them to set conditions on the approval of a minor modification request.<sup>3</sup>

The landlord is responsible for demonstrating that the conditions are reasonable.

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

- approve the landlord's application; or
- refuse the landlord's application.<sup>4</sup>

The Commissioner may set additional conditions on the approval of the tenant's request.<sup>5</sup>

## **Reasons for Decision**

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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.

When deciding whether to approve a condition, I am guided by the following factors from the RTA:

- Does the proposed condition address concerns about the modification being unsafe or making the premises unsafe?
- Does the proposed condition reduce the risk of permanent and significant damage to tiles, exposed brick or exposed concrete surfaces?
- Does the proposed condition address concerns about the cost or practicality of removing the modification at the end of the tenancy?

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<sup>1</sup> Section 50N *Residential Tenancies Act 1987* (WA).

<sup>2</sup> Section 50ZB *Residential Tenancies Act 1987* (WA).

<sup>3</sup> Section 50T(2) *Residential Tenancies Act 1987* (WA).

<sup>4</sup> Section 50T(3) *Residential Tenancies Act 1987* (WA).

<sup>5</sup> Section 50T(4) *Residential Tenancies Act 1987* (WA).

- Does the proposed condition limit any potential undue hardship to the landlord?
- Does the proposed condition address concerns about additional maintenance costs for the landlord?

I also consider:

- Is the proposed condition appropriate, reasonable and proportionate to the risk?
- Is the proposed condition covered under any other law?
- Do the parties agree to the proposed condition?

In a written submission to Consumer Protection, the landlord stated that all conditions are necessary to ensure structural safety, minimise the risk of damage at the premises and avoid unnecessary future repairs.

**Requested condition – The TV bracket must be installed only on the double-brick wall in the living room.**

The landlord raised concerns that:

- The double-brick wall provides significantly greater load-bearing capacity than the single-brick wall.
- Installing a bracket on a single-brick wall increases the risk of cracking, anchor failure, and long-term degradation of the brickwork.

In a verbal statement to Consumer Protection on 18 December 2025, the tenant advised they don't agree to place the TV bracket on the double-brick wall, as it does not suit their set-up of the room.

While a double-brick wall has a greater load-bearing capacity than a single-brick wall, the landlord has not provided any evidence which demonstrates that the other walls in the living room (single-brick) could not securely hold a mounted TV.

Considering the information from the landlord and the tenant, I am not satisfied that the TV bracket must be installed only on the double-brick wall in the living room is a reasonable condition to set on approving the tenant's request.

**Requested condition – The installation must be carried out by a qualified and insured installer using fixings appropriate for masonry construction.**

This condition includes two parts, which I will deal with separately below.

Installation must be carried out by a qualified and insured installer.

The landlord has not provided any evidence which demonstrates the need for this work to be carried out by a qualified and insured installer.

This condition places a financial obligation on the tenant to pay for an installer, when the requested minor modification is not work which requires a licenced or certified tradesperson to complete.

For these reasons, I am not satisfied that installation must be carried out by a qualified and insured installer is a reasonable condition to set on approving the tenant's request.

While this condition is refused, the tenant still has the option to engage a tradesperson to install the TV bracket, should they choose to do so.

The installation must be carried out using fixings appropriate for masonry construction.

This condition addresses the landlord's concerns about the risk of damage, future repairs and a lack of safety at the premises, as the use of incorrect fixings could result in the weight of the TV pulling the TV bracket out of the wall.

I am satisfied that the installation must be carried out using fixings appropriate for masonry construction is a reasonable condition to set on approving the tenant's request.

**Requested condition - All cabling is to be run through the double-brick wall and connected to the existing power points located on the wall.**

In a written submission to Consumer Protection the landlord requested all cabling to be run through the double-brick wall and connected to the existing power points located on the wall. A floor plan was submitted to all parties to consider and show the location referred to.

As outlined in a heading above, I am not requiring the tenant to install the TV bracket on the double-brick wall. Therefore, it is unlikely the TV cabling will be on this wall.

Additionally, this condition includes a modification to the premises (running cables through the wall), which was not requested by the tenant and does not fall within the definition of a minor modification. The tenant's sole request is to install a TV bracket to mount a TV.

For these reasons, I am not satisfied that all cabling is to run through the double-brick wall connected to the existing power points located on the wall is a reasonable condition to set on approving the tenant's request.

## **Appeal**

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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](http://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**

1 December 2025