

Looking for a rental home

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; and/or
- ending a tenancy.

About this guide

This guide helps you (a tenant) with the process of finding and moving into a rental 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:

- **Living in a rental home.**
- **Leaving a rental home.**
- **Getting help with rental home problems.**

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

Understanding rental terms

Tenants are the people who live in the rental home under a rental agreement. **Landlords** rent out the home to the tenant, they can have an agent who manages 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 Consumer Protection is responsible for.

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.



Before you start looking...

Before you look for a home to rent, think about:



Your budget. You need to consider moving costs, connection or set-up fees for internet, phone, power and gas, as well as the rent and bond. [MoneySmart's](#) budget planner can help you plan your spending.



Avoid rental scams. Do not trust listings on social media; they could be fake. Always meet the landlord in person and look inside the property. Never send your personal information or identification to anyone you do not know. See more on [WA ScamNet](#).



Looking for a rental



Make sure you visit the property and ask the landlord to show you around. Check if the property has the features you need, such as fencing, yard space, air conditioning or off-street parking. Check if the location has everything you need close by such as schools, shops, medical centres and transport.



Minimum security standards

The rental property must meet basic security, safety, and health standards. These include functioning RCDs (electrical surge protectors), smoke alarms, deadlock on the front door, lockable external doors, window locks and light at the front door.

You should also expect to have a working oven, stove, lighting, power points and plumbing. You may need to set up accounts with the power, gas and water companies if the home is not connected to mains water.

More information about: **Security standards**



Applying for the property

You may be asked to apply to rent a home. The landlord may check your name with a tenancy database and a rental reference from previous landlords.

A tenancy database will show any court actions against you or if you owed money to a previous landlord when you moved out and your bond did not cover it.

The landlord must tell you if they will look you up in a tenancy database. They must also tell you if they find anything written about you on one of these databases.

A landlord can offer their home to any applicant, but they cannot discriminate against you because of your gender, race, age, ability, family or religious beliefs. If you believe you have been discriminated against, you can put in a complaint with the [Equal Opportunity Commission](#).

More information about: **Tenancy databases**



Option fees

You may be asked to pay an option fee to apply for a rental home. The amount depends on how much the rent is and where the home is located.

You must be paid back the option fee if your application is unsuccessful once the application process is finished. If you get the home, you can be paid back the money directly or your first rent payment can be less the option fee. If you have been told you missed out on the home, you must get all your money back within seven days.

Rent bidding

Rent bidding is when prospective tenants suggest paying higher rent in the hope they get the home by offering more than another person.

Landlords are not allowed to ask or pressure a tenant into offering more rent than the advertised amount.

Landlords must:

- **advertise or list the rental property for a rent at a fixed amount; and**
- **not ask someone for more than the advertised rent amount.**

More information about: **Rent bidding, applications, and options fees**



Rental agreements



A rental agreement sets out the rights and responsibilities of the landlord and the tenant. These can also be called tenancy agreements or leases.



There are two types of rental agreements:

- 1 **Periodic** – An agreement with no end date.
- 2 **Fixed term** – An agreement with a set end date.

What you must be told and given

You must be given:

- A copy of your written agreement (if you have one) in [Form 1AA](#) at the time of signing or within 14 days of moving in.
- An Information for tenants sheet which covers your rights and responsibilities under the rental laws. ([1AC for written agreements](#) or [1AD for verbal agreements](#).)
- Two copies of the property condition report within seven days of you starting the tenancy.
- A copy of any rules or by-laws if the home is in a community title or strata scheme.
- Receipt for bond paid by you.
- A bond lodgement form.
- Keys to your home.

There are three parts to the tenancy agreement.

- Part A covers the details of you and your landlord. It also includes how rent and bills will be managed.
- Part B lists your basic rights and responsibilities. It cannot be changed.
- Part C can include extra information and obligations such as – if the home has a pool or shed. Part C can also include any problems or damage you noticed that the landlord has agreed to fix. Part C cannot go against or remove any of your rights under tenancy or consumer laws.

More information about: **Rental agreements**



Make sure you understand all your responsibilities. Only sign the agreement if you are willing to meet these responsibilities.

Living with others (shared tenancies)



A shared tenancy is when two or more people share the home and the costs. A family sharing a home is not a shared tenancy.

There are different kinds of shared tenancies, including sub-letting, co-tenancy, and rooming arrangements. A landlord must always be told about all the people who live in the home.

Sub-letting

Sub-letting is when a tenant (head tenant) rents out all or part of the property to other people (sub-tenants).

The head tenant:

- signs the rental agreement with the landlord;
- must get permission from the landlord to sub-let;
- should use [Form 1AA](#) for sub-tenant agreements;
- does not have to collect a bond from sub-tenants. If they do, they must lodge the sub-tenant's bonds with Bonds Administration under the sub-tenant's name; and
- must give the sub-tenant a written rental agreement and a property condition report.

Co-tenancy

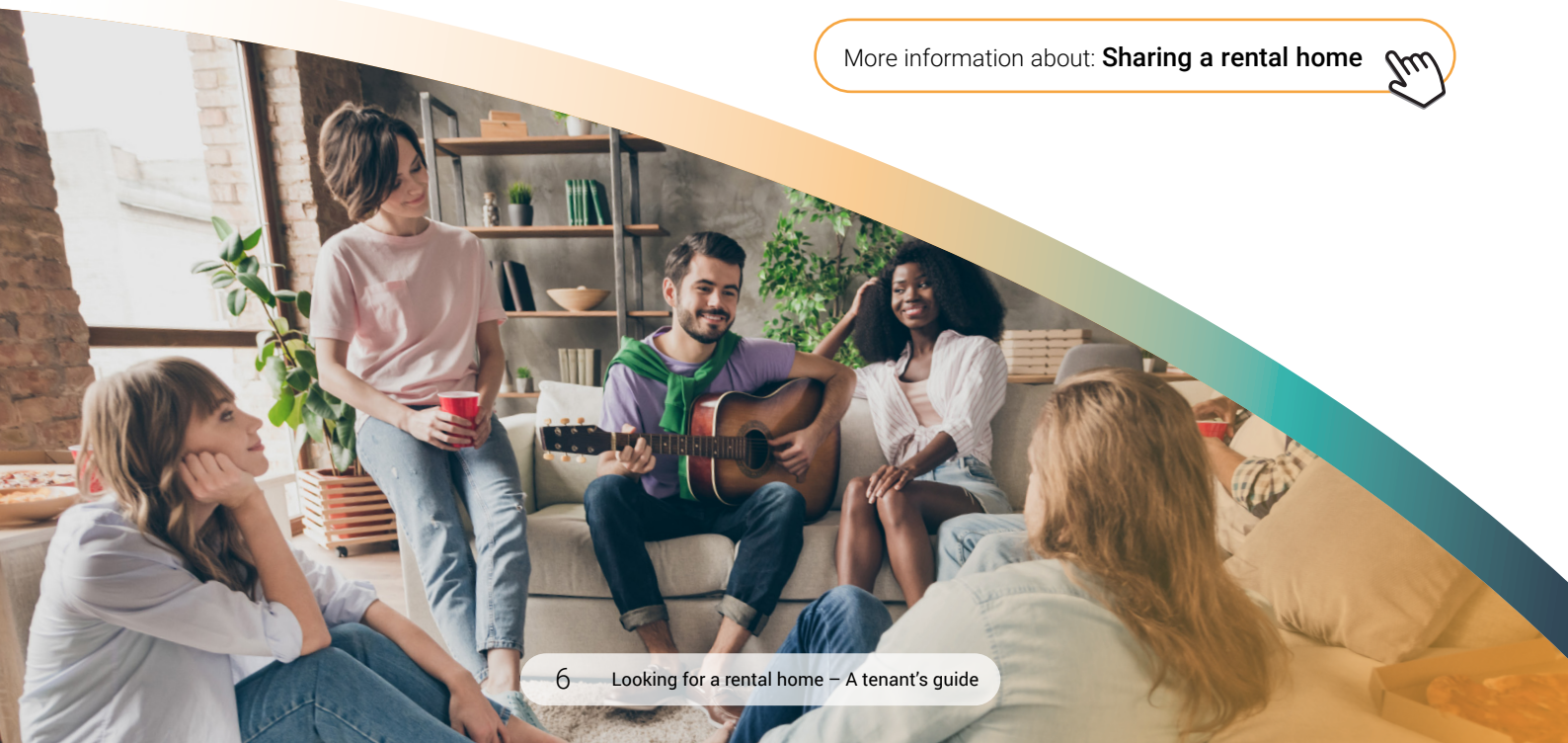
Co-tenants are people who share the house and sign one rental agreement with the landlord. All co-tenants contribute to one bond. They are all equally responsible for paying the rent, bond, and looking after the property.

Rooming arrangements

In rooming arrangements, people share a home but have separate rental agreements with the landlord. Each rental agreement should list which parts of the home the tenant is renting and responsible for looking after, including areas they share with others. They also pay a separate bond.

A table explaining further responsibilities and differences between co-tenancies and rooming arrangements is available in the [Living in a rental home](#).

More information about: **Sharing a rental home**





Rent and upfront costs

Before moving into a rental property, you will need to be able to pay your landlord:

- A [security bond](#) of up to four weeks' rent in most cases. If the rent is more than \$1,200 per week, the bond can be more. You will get the bond back when you move out if there are no issues such as damage to the home that needs to be fixed.
- The first two weeks' rent.
- A pet bond of up to \$350 if you are allowed to keep a pet. You must not be charged a pet bond for an assistance dog.

More information about: **Paying rent**



Rent assistance

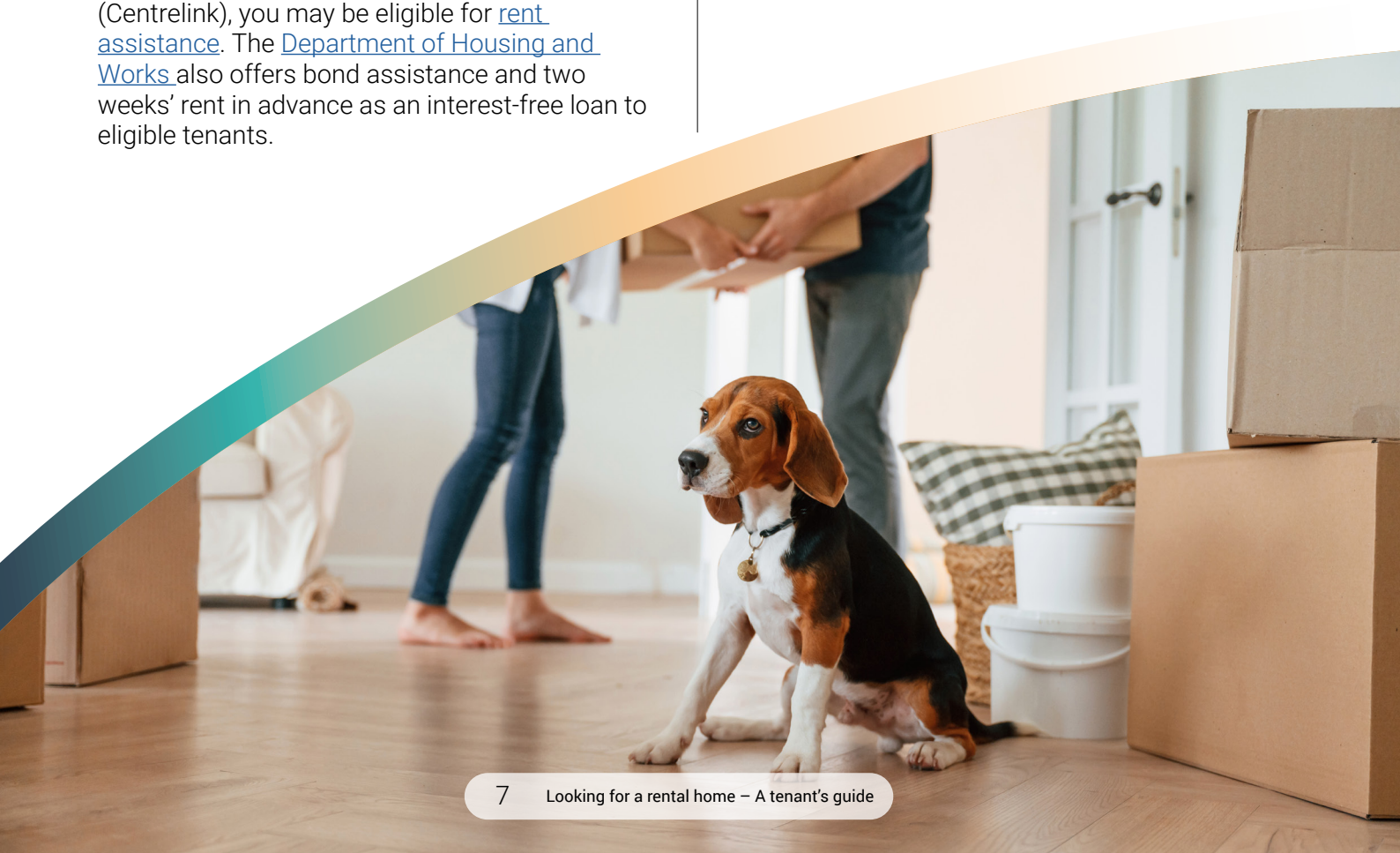
If you receive payments from Services Australia (Centrelink), you may be eligible for [rent assistance](#). The [Department of Housing and Works](#) also offers bond assistance and two weeks' rent in advance as an interest-free loan to eligible tenants.

Bonds

Landlords must lodge your bond with Consumer Protection's Bonds Administration within 14 days of receiving the money from you.

Bonds Administration will send you a copy of the bond certificate once it is lodged. If you do not receive anything, call Bonds Administration on 1300 30 40 54.

More information about: **Bonds**



Moving in – Property condition

When you move in, the property is your home. Your landlord must let you enjoy it and give you notice when they will be visiting the home such as for an inspection.



Property condition reports (PCR)

You should receive a property condition report from the landlord within seven days after you move in. You should check and return it with any changes noted within seven days.

The PCR notes the condition of everything in the home including walls, cupboards, curtains, bathroom, kitchen and flooring. If there are extra features such as a dishwasher, air conditioners, private garden, garage, shed or pool, these will also be included in the report.

When you move into your home, you should note down:

- the meter readings for gas, water and power; and
- levels on water storage tanks or gas cylinders (if supplied).

If the landlord does not receive any changes to the property condition report within seven days, they will assume you agree with the report.

The PCR will be referred to throughout your tenancy and when you move out. If there is any damage or problems not noted down in your original PCR you may have to fix it at a later point.

More information about: **Property condition reports**



Swimming pools and spas

If the property has a swimming pool or outdoor spa, the landlord must provide:

- Council-approved safety barriers – such as a pool fence. See [Rules for pools](#) for more information.
- Any equipment needed to properly look after the pool or spa, such as leaf scoops and/or a pool vacuum.

You must look after the pool or spa and keep it clean, unless there are other arrangements stated in the agreement.

At the start of your tenancy, your landlord should make sure the water is clean, chemically balanced and the pool or spa and equipment are in good working order.

Your landlord should give you instructions for caring for the pool or spa. You can also find useful tips for caring for a pool or spa on the [HealthyWA website](#).





Looking for a rental home **checklist**

Documents

- Read, understand, and sign the lease agreement (Form 1AA) – ask questions about anything unclear.
- Check the home and make changes to the property condition report if you disagree – take photos for future reference. Note anything needing repair.
- Complete, check and sign or approve the bond lodgment form.

Financial

- Pay the bond and rent.
- Set up any utilities and services you need – power, gas, internet.
- Take out any insurance if needed. For example, contents insurance. Landlord is responsible for house and property insurance.

Security

- Inspect window and door locks, smoke alarms and safety devices.
- Check you have all keys, remotes and access devices. Test they are working.

General

- Check if there are any additional rules, such as strata rules, about noise, pets, bins, parking.
- Do you have access to gym or swimming pool? Do you have any responsibility for maintenance?
- In shared housing – review any house rules.
- Save copies of the lease, property condition report, bond lodgement, rent receipts and any correspondence.
- Keep the contact details of your property manager or landlord handy. Know who to contact for emergencies or maintenance requests.
- Keep a record of all communications.

Enjoy your new home!

The next guide in this series is:
Living in a rental home
aimed at helping you make a rental house – your home.

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



**This publication is available on
request in other formats.**

National Relay Service: 13 36 77

Translating and Interpreting Service (TIS): 13 14 50