

www.rahug.org.au/join

Together we can

Educate and share information with each other about our rights as renters

Support and defend each other from exploitation and eviction

Build a long-term community of renters to self represent our rights as renters for safe and secure housing for all.

The Renters And Housing Union (VIC) is a member-run union of renters and people in precarious housing, formed through the Rentstrike as a response to COVID19.

We collectively organise for the right to safe and secure housing through self-advocacy, education, and frontline eviction defence.

organise@rahug.org.au

www.rahug.org.au

Insta: @rahunionvic

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The RAHU Guide To Repairs

RAHU believes our members are stronger when we have access to useful and practical information about our rights. However, this is general information only, not legal advice. If you need legal advice, please contact a community legal centre.

REPAIRS

If something needs fixing, under Victorian law your landlord has a duty to carry out the repairs. The first step to get any repairs done is to tell your landlord or agent what needs to be fixed, which you should do in writing. Hopefully they will then carry out the repairs quickly and efficiently, but if not, the law gives you options to follow up depending whether it's an **urgent** or **nonurgent** repair.

Is it urgent?

The Act gives a specific definition of urgent repairs as:

- a burst water service;
- a blocked or broken lavatory system;
- a serious roof leak;
- a gas leak;
- a dangerous electrical fault;
- flooding or serious flood damage;
- serious storm or fire damage;
- any fault or damage that makes rented premises unsafe or insecure.
- a failure or breakdown of the gas, electricity or water supply;
- an appliance, fitting or fixture provided by a landlord that uses or supplies water and that is malfunctioning in a way that results or will result in a substantial amount of water being wasted; or
- a failure or breakdown of any essential service or appliance provided for hot water, water, cooking, heating or laundering by a landlord;

After March 29 2021, the following will also be considered urgent repairs:

- a failure or breakdown of a cooling appliance or service provided by the rental provider
- a failure or breakdown of any safety related devices, including a smoke alarm or pool fence
- any fault or damage that makes the property unsafe or insecure, including a pest infestation or the presence of mould or damp caused by or related to the building structure.

There is no specific timeframe for urgent repairs, but the landlord should carry them out as soon as possible. If you have notified them of an urgent repair and they have not been carried out reasonably quickly, you have these options:

- Arrange the repair yourself at a cost up to \$1800 and send a Notice to Landlord requiring the landlord to reimburse you within 14 days, or 7 days after March 29 2021; or
- Apply to VCAT for an urgent repairs order by filling out a General Application form. VCAT will generally list an urgent repairs hearing within a week of receiving your application.

What if it's a nonurgent repair?

The process for nonurgent repairs will change slightly with the new rental laws, so...

Before March 29 2021

Notify the landlord of the problem in writing

The landlord has 14 days to complete the repairs

If they haven't completed the repairs within 14 days, you *must* request a Repairs Inspection from Consumer Affairs

After March 29 2021

Notify the landlord of the problem in writing

The landlord has 14 days to complete the repairs

If they haven't completed the repairs within 14 days, you *can* request a Repairs Inspection from Consumer Affairs

Consumer Affairs will prepare a written report listing the repairs required

You don't need a report, but can get one if you'd like to

Apply to VCAT for a nonurgent repairs order

Apply to VCAT for a nonurgent repairs order

What if I'm not sure whether it's urgent?

Some repairs may be unclear - is a broken oven an essential service for cooking if the cooktop still works, or is that dodgy switch a dangerous electrical fault? If you're not sure, you can both make an urgent repairs application and start the nonurgent process, so if the urgent application doesn't work you have something to fall back on. Don't arrange the repair yourself if you're not sure it's urgent, because you may not be able to get reimbursed.

Does the landlord still have to fix it if...

Yes! Whatever excuse they are giving you, the landlord has a duty to keep the property in good repair. This includes things that were broken when you moved in, the fact the property is old and rundown and they insist they're doing you a favour really, whatever.

Can I just stop paying rent until they fix it?

There is no right under Victorian law to withhold rent no matter how badly the landlord is acting, and if your rent is 14 days late your landlord can serve a 14 day notice to vacate. You may be able to use a breach of duty notice to claim compensation in the form of a rent reduction, though.

Compensation

If you have increased costs due to the landlord's failure to carry out a repair you may be able to claim compensation for those costs. Some examples of the grounds for these claims could be:

- increased utility bills
- replacing damaged belongings
- payment for alternative accommodation
- a percentage of your rent for days the problem limited your use of the property.

You won't be entitled to compensation if you hadn't notified the landlord of the problem. If you have increased costs due to a repair, it is important to document those costs, keep receipts. Contact us at organise@rahu.org.au to discuss what compensation you may be eligible for, and help with your options.

Won't the landlord just kick me out?

With the new rental laws coming in March 29 2021, it's going to get harder for landlords to evict someone without a valid reason; they will have to give a reason, be able to prove it's true, and convince the Tribunal it's reasonable to evict you in all the circumstances. If your landlord does try to evict you please get in touch for more information and support.

Useful Forms

Visit Consumer Affairs Victoria (consumer.vic.gov.au) to download the Notice To Landlord Of Rented Premises form, visit the VCAT website (www.vcat.vic.gov.au) to download the Application (General application) - Residential Tenancies List form, or email RAHU.

Don't forget

Renters' legal rights are only as strong as our willingness to enforce them. Talking to your housemates, neighbours, friends and other comrades about your plans, concerns and successes helps us all grow stronger.