



Results of online discussions | Stage one of the review of the RTA

Discussion questions



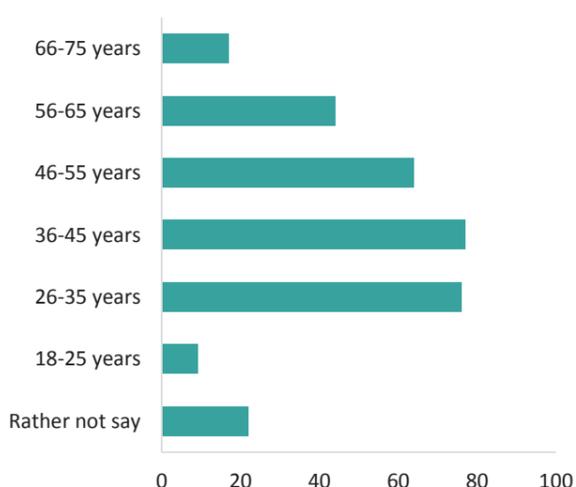
- What is working about the current rental laws and what needs improvement?
- What are the key issues for families and older tenants in the private rental sector and how could these be addressed?
- What factors might contribute to a tenant's decision whether or not to exercise their rights under rental laws?
- What could be done to make it easier for landlords and tenants to manage their relationship, including resolving disputes?
- What are the key issues that affect tenants that rent long term?

What you told us

- The majority of landlords who responded said they supported lease lengths of between one and five years.
- Tenants believed that longer leases were a 'win-win' in that less money was wasted on relocation and connection costs, and landlords ended up with better maintained properties overall.
- Landlords and tenants thought that current notice periods for responding to certain problems, like paying overdue rent or completing a property repair, were too long and impacted disproportionately on the person issuing the notice.
- There was a general view that the legislation was unclear about key responsibilities, for example how many open inspections could take place at a property, or who was responsible for paying for a new telephone connection.
- Tenants voiced concern about the safety and maintenance of appliances such as heaters and stoves.
- Owners not fixing faults with rental properties rated as an issue, especially for older tenants.
- Both landlords and tenants expressed the view that the involvement of an intermediary, such as a property manager or estate agent, did not always make a tenancy more harmonious or problems easier to resolve.
- There was support from both landlords and tenants for helping victims of family violence by making it easier to terminate a lease, or apportion liability for household expenses, if an intervention order is issued.
- Tenants felt that rent rises could be imposed by landlords as retaliation for a request or complaint from the tenant. Rent rise amounts could also seem arbitrary, particularly if it was unclear how the landlord had calculated the increase.

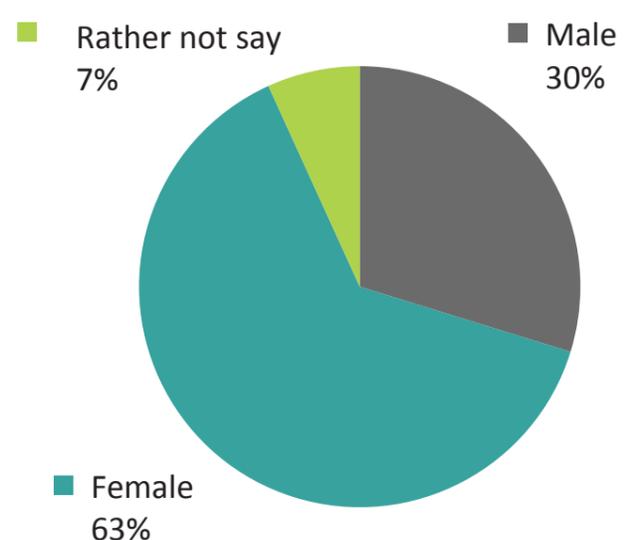
Who participated in the discussions?

Registered participant age groups



*Total participants: 309

Registered participant gender



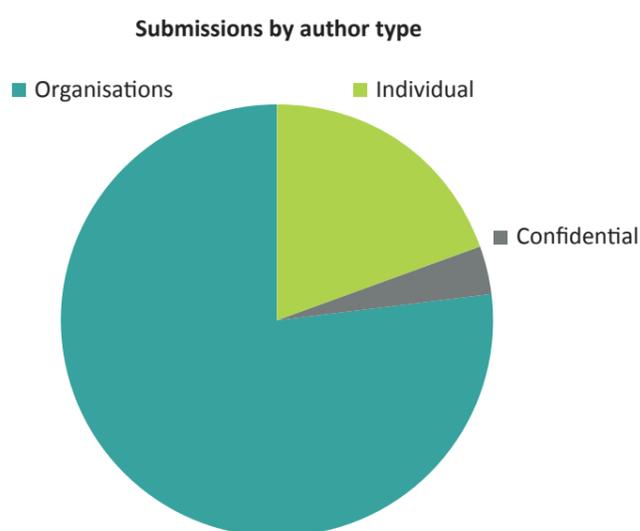
*Total participants: 217

Summary of public submissions | Consultation paper, 'Laying the Groundwork.'

What you told us

- The laws were not clear about tenant and landlord responsibilities on safety issues, such as maintenance of smoke alarms, compliant pool fences, and testing of fixed appliances such as stoves and heaters. This was of particular concern in rooming or share houses, which have increased occupancy settings.
 - Some tenants expressed reluctance about asserting their rights, in case this prompted a rent increase or notice to vacate.
 - There was a view that the law doesn't always have a strong deterrent effect because non-compliance is perceived as not having consequences for landlords and property managers who do not fulfil responsibilities such as acting on repairs or meeting the requirements of a VCAT order.
 - The notice periods for certain breaches were considered to be unrealistic in some instances, for example in the case of rent arrears there was a sense that the provisions did not encourage tenants to respond to a problem quickly.
 - Conversely, potentially lengthy timeframes for resolving contested bond claims meant that outgoing tenants experiencing financial hardship had difficulty finding additional funds to enter into a subsequent lease.
 - Submissions that cited concerns about security of tenure noted that the length of a lease was less of a factor than the ability to evict tenants through such measures as 'no reason' notices to vacate.
 - There was a need for greater education in the rooming house sector so that both tenants and operators were aware of their rights and responsibilities.
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- There was a view that relying on VCAT to resolve disputes between landlords and tenants was not always appropriate. Response times could be slow when what was needed was a rapid outcome, decisions were viewed by some as complex or unclear and tenants, especially those from CALD or Aboriginal communities, as well as some landlords, reported feeling alienated by the adversarial setting.
 - Tenants generally found it difficult to obtain the landlord's permission to make modifications to properties, even if they paid for the modifications themselves and returned the property to its original condition. This was cited as a potential obstacle for people with NDIS grants seeking to enter the private rental market.
 - Neglected repair and maintenance issues were a recurring theme and, in addition to specific concerns about premises in poor condition, or fed an ongoing dispute cycle.
 - Submissions noted certain emerging trends for which the legislation did not clearly provide, such as non-refundable deposits to secure a lease, 'pet bonds' to allow animals to be kept in properties, as well as full lease break fees when a pro-rata amount was warranted instead.
 - Information asymmetries meant that, although agents and landlords had access to tenant databases, tenants were not similarly able to do their research and avoid disreputable landlords, property managers or properties.
 - The laws were not designed to respond to the impacts of family violence in a residential tenancy setting and could inadvertently aggravate hardship experienced by victims who are not able to meet their lease obligations.
 - Vulnerable and disadvantaged tenants reported experiencing discrimination on the basis of irrelevant factors, such as receiving government rent assistance, when applying for properties.

Who contributed the public submissions?



*Total submissions: 56

What's next?

We welcome your continued contributions to the Review of the Residential Tenancies Act 1997.

Upcoming opportunities to contribute include:

- Issues papers | late 2015 - early 2016
- Options paper | mid-2016

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