

Dispute resolution issues

What is Fairer Safer Housing?



Fairer Safer Housing is the Victorian Government's plan to ensure people across the state have access to safe, affordable and secure housing.

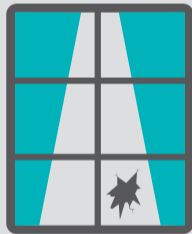
The government is reviewing the *Residential Tenancies Act 1997* (RTA) to make sure it balances the rights and responsibilities of tenants and landlords.

The dispute resolution options and mechanisms that are available in the residential tenancies sector play an important role in providing the certainty and confidence for both tenants and landlords to enter tenancy agreements. Their scope and operations are being examined as part of this review.



What is dispute resolution and why is it important?

The RTA regulates a range of renting arrangements including those for general residential tenancies, rooming houses, caravan parks and some residential parks. Disputes arise when parties to these arrangements have different views about their rights or obligations under the RTA, and seek to exercise or enforce those rights or obligations.



Housing is essential, and a significant proportion of the community relies on rental accommodation. When disputes arise in relation to residential rental accommodation they can impact on a tenant's living conditions and certainty about their home. This can present particular hardship for vulnerable and disadvantaged tenants, and tenants with financial constraints.



In addition, for landlords who are reliant on the rent payments from their rental property, whether to service loan repayments or because it is their sole source of income, fast and final resolution of disputes can be critical.

The tenant-landlord relationship, unlike in many other markets for goods and services, is long term and either or both parties may be seeking an ongoing arrangement. This has relevance for the way in which the parties approach, and prefer to resolve disputes.



What dispute resolution options are available to landlords and tenants?

The dispute resolution system for residential tenancies in Victoria consists of:

- information and advice services that aim to assist parties to independently resolve disputes
- third party assistance in the form of conciliation, mediation and negotiation services
- Consumer Affairs Victoria inspections and advice that can assist in the resolution of disputes, or be relied upon if the matter is escalated to the Victorian Civil and Administrative Tribunal (VCAT)
- services provided by VCAT, including alternative dispute resolution and hearings from which binding orders and determinations can be made.

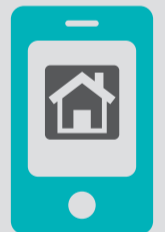
Consumer Affairs Victoria, as the sector regulator, also undertakes sector-wide compliance and enforcement activities with the aim of bringing about voluntary compliance.



Key issues for consideration

Submissions to the review to date have identified that the dispute resolution system should be:

- fair – processes and decisions are fair, and address any power imbalance in the landlord/tenant relationship
- fast – minimising the financial and other impacts of a dispute on tenants and landlords
- low-cost – recognising that cost should not be a barrier to resolving renting disputes
- accessible – easy to find and understand, and delivered in accessible ways
- fit for purpose – appropriate for the type of dispute and the outcome sought
- certain – decisions are consistent, giving landlords and tenants confidence to participate in the rental market and encouraging them to comply with the law.



The issues paper also invites stakeholders to consider whether the dispute resolution system overall is comprehensive, coherent and efficient.



Stakeholders are invited to consider each of the dispute resolution options as well as the overall system, and comment on how well they provide the features and outcomes listed above.

In particular, the review seeks to identify any obstacles for vulnerable and disadvantaged tenants in accessing or using dispute resolution services.

