

# Rights and responsibilities

## 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.



## What are rights and responsibilities and why are they important?



The rights and responsibilities in the RTA set boundaries around what tenants and landlords can and cannot do throughout the tenancy relationship.

They reflect the different needs and expectations of the parties: the landlord makes premises they own available as leased accommodation for their commercial benefit, and the tenant makes the premises their residence and home.

Unlike many other markets, where providers and clients engage in one-off transactions, the tenant-landlord relationship is comparatively long term and there is scope for many different situations to arise over the course of a tenancy.

Given that the rental market and community expectations change over time, there is a need to ensure that the rights and responsibilities in the RTA remain relevant and suitable to the issues that arise before, during and at the end of a tenancy.



## Rights and responsibilities before a tenancy

The RTA aims to give the landlord the ability to select their preferred tenant while enabling prospective tenants to compete for tenancies on a level playing field through the tenancy application process.

When a tenancy agreement is formed there are requirements around landlord disclosures to the tenant, and how notices and other documents can be served. All tenancy agreements must have the same basic features.



## Rights and responsibilities during a tenancy

The key duties tenants and landlords owe to each other during a tenancy are set out in the RTA, and there are procedures that can be followed if a party does not meet its obligations.



There are special rules around landlord entry to the premises, sub-letting or assignment of the lease, and violence that occurs in managed premises.

## At the end of a tenancy

The RTA regulates the ways a tenancy agreement can be terminated, and the process for landlords to follow if goods are left behind by tenants at the end of a tenancy.



It also provides for tenancy agreements to be changed in circumstances where family violence has occurred.

## Key issues for consideration

Issues that have been identified for consultation on rights and responsibilities include:

- the tenancy application process and appropriate screening practices
- information that should be disclosed to a tenant at the start of a tenancy
- digital and online technology and the form and service of documents and notices
- the process to be followed where a landlord or tenant breaches a duty under the RTA
- enforcing additional terms in the tenancy agreement including rules about pets
- balancing the right of tenants to quiet enjoyment and the right of landlords to enter premises, particularly where the premises is being sold
- balancing the interests of landlords and tenants in respect of sub-letting and lease assignments
- reasons a landlord or a tenant can terminate a tenancy, and rules around compensation for lease breaking
- what arrangements should apply to goods left behind by a tenant at the end of a tenancy
- increasing protections for tenants experiencing family violence
- the conduct of agents acting on behalf of landlords.



Stakeholder commentary and feedback on the nature, extent and impacts of these and other issues will help to identify areas for reform, so that the rights and responsibilities in the RTA will be appropriate for the Victorian rental market.

