



Repairs and Maintenance

There may be times when something in the home you rent gets damaged, or something needs to be fixed. When should you call the landlord or agent¹? What types of repairs must be done straight away? What is fair wear and tear?

What is fair wear and tear?

Fair wear and tear means changes to the property that can be caused by normal use or by natural events. Examples may include worn out carpets or painted surfaces fading in the sun.

You do not have to pay for fair wear and tear.

What are urgent repairs?

There are two types of urgent repairs, repairs for 'essential services' and 'other urgent repairs'.

You must tell the landlord or agent about urgent repairs as soon as possible. Do not try to fix the damage yourself.

¹ Agents include real estate property managers, public housing managers and community housing managers. Another name for a 'landlord' is a 'lessor'.

Repairs for essential services include:

- a burst water service
- gas leaks
- broken hot water system
- toilets or sewerage leaks, and
- dangerous electrical faults.

Other urgent repairs include fixing something in the home that may cause an injury, such as a collapsed ceiling.

After you tell the landlord or agent about an urgent repair, they must conduct the repair as soon as possible.

If they do not reply to you, or do not conduct the repair within a reasonable time, you may contact a qualified tradesperson yourself. For essential service repairs a reasonable time = 24 hours. For other repairs a reasonable time = 48 hours.

If you pay for the tradesperson yourself, the landlord or agent will need a receipt so that they can pay you back the cost of the repairs.

What about other repairs?

When you contact the landlord or agent, you should ask them to tell you in writing when the work will be done. Sometimes they may not agree to the request if they think the work is not necessary.

If you think the work is necessary, you can give your landlord or agent a Breach Notice. A breach is when a person does not agree to do something they have to do by law. www.commerce.wa.gov.au/publications/notice-lessor-breach-agreement-form-23.

If this does not solve the problem, you can apply to the Magistrates Court for a Court Order. With a Court Order, the Magistrate can order the landlord or agent to carry out the repairs or maintenance if they agree with the request.

www.magistratescourt.wa.gov.au/C/civil_matters.aspx.

If you wish to make a complaint about the landlord or agent, you can contact Consumer Protection **1300 304 054** / www.commerce.wa.gov.au/consumer-protection.

Can I get my rent reduced?

If the problem affects your enjoyment of your home, you can ask the landlord or agent for a rent reduction. You can also apply to the court for a rent reduction.

What if I caused the damage?

It is important to contact the landlord or agent straight away if there is damage to the property.

If you or someone you invited into your home caused damage to the property, you may be responsible for paying for it to be repaired.

If someone you did not invite into your home caused damage to the property, or damage was caused by family violence, you should seek legal advice. You can also refer to our family violence fact sheet at www.circlegreen.org.au.

Who can help?

Our Tenant Advocates help people who rent their homes to resolve tenancy problems. They may do this by helping you to understand your rights, and by giving advice and guidance.

If you would like to speak to a Tenant Advocate, you can call us on **(08) 6148 3636** or visit www.circlegreen.org.au.

We have a \$40 fee for our services. We can remove this fee if you have a low-income healthcare card, are in financial hardship, or facing some other crisis. Please contact us if you have any questions.

Further information

Please contact us if you would like this fact sheet in a different format such as large print or braille.

If you are Deaf, hard of hearing or have a speech impairment, you can contact us through the National Relay Service www.relayservice.gov.au.

If you are a non-English speaker and require a language interpreter, please contact TIS National on **131 450**.

For more information visit www.circlegreen.org.au or phone us on **(08) 6148 3636**.



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