



Department of **Energy, Mines,
Industry Regulation and Safety**



WA Rent Reforms

Residential Tenancy Act Amendments 2024



Implementation

Stage	Reforms	Expected date
1	<ul style="list-style-type: none">• Rent bidding ban• Retaliatory action• Small administrative changes	16 May 2024
2	<ul style="list-style-type: none">• Rent increases at 12-month intervals• Pets welcome• Minor modifications• Commissioner determinations• Updates to forms	Late July 2024
3	<ul style="list-style-type: none">• Streamlined bond release process	Early 2025

Rent Bidding

Rental properties must be advertised or offered at a fixed amount and not in a range or “from” a particular amount.

Advertisement	Legal?
\$425 per week	✓
Offers between \$400 and \$500	X
Offers from \$400	X
Offers invited (no price listed)	X

Rent Bidding

Landlords and their agents will also be prohibited from asking or pressuring prospective tenants to pay more than the advertised rent.

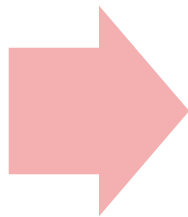
Examples:

- “Someone else has made an offer, would you like to match it?”
- “There are lots of people interested in this property, you can secure it if you offer more rent.”
- “You have not been working full time for very long, you might want to strengthen your application by offering more rent.”

Retaliatory Action

Tenant takes action to enforce rights:

- Repairs or maintenance
- Breach notice to the lessor
- Reimbursement for urgent repairs
- Court action
- Complaint to Consumer Protection or other body



Landlord responds with:

- Breach notice (other than failure to pay rent)
- Rent increase
- Action to terminate
- Non-renewal

Retaliatory Action

Retaliatory action can only be dealt with as follows:

- The tenant applies to the Magistrates Court
- The Magistrates Court can make any order, including:
 - setting aside the landlord's action; or
 - ordering the landlord to pay compensation to the tenant.

Rent Increases

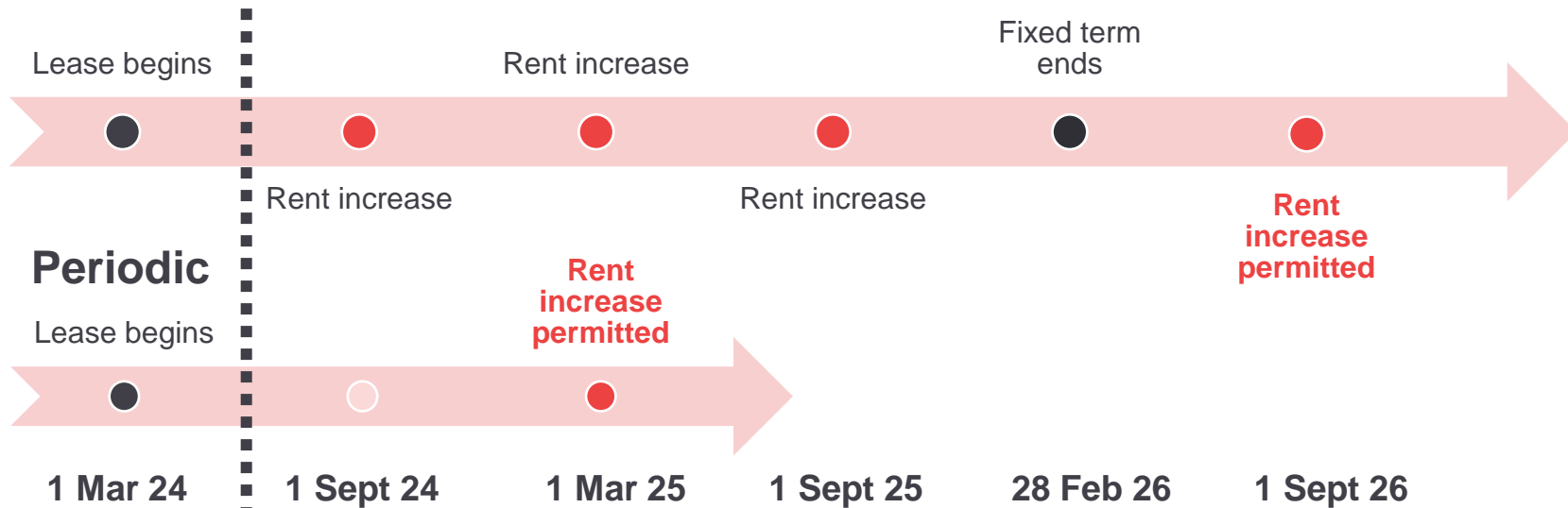
- Frequency of rent increases reduced from every 6 months to every 12 months
- More than one agreement between the same parties for the same premises will be treated as a continuous agreement.

Rent increases

Tenancy type	When do changes apply?
Fixed term - signed before commencement	At end of current term. Any rent increases set out in existing agreement will apply until the term ends. If renewed or rolled over – there must be 12 months since the last rent increase.
Periodic - signed before commencement	Changes will apply from commencement . There must be 12 months since the last rent increase.
Fixed term – signed after commencement	
Periodic - signed after commencement	

Rent increases - examples

Fixed term



Pets and modifications

- Tenants will be able to keep pets and make minor modifications in most cases.
- Tenants must ask permission.
- Landlords can say no in some cases (some require Commissioner approval).
- Landlords can put conditions on their approval (some require Commissioner approval).
- Tenants are responsible for any costs or damage.

Refusing a pet

Automatic no – pet would contravene a written law, local law or scheme by-law.

Needs Commissioner approval – if one of the following grounds applies:

- Risk to the health and safety of a person.
- Undue hardship to the landlord.
- The premises are unsuitable
- Unreasonable number of pets being kept at the premises.
- Likely to cause damage to the premises that could not be repaired for less than the security bond.
- Other prescribed grounds (if any)

Pet conditions

- **No Commissioner approval required -**
 - The number of animals that may be kept at the premises.
 - The cleaning, maintenance or fumigation of the premises in relation to the keeping of the pet.
- **With Commissioner approval -** another type of reasonable condition.

Minor modifications

What kinds of minor modification will tenants be able to make?

- The final list of modifications is being developed and will be likely published in July 2024.
- Examples of potential modifications include: a lock on the letterbox, picture hooks, curtains, wireless doorbells, and flyscreens on doors and windows.

Refusing a minor modification

Landlord can say no where –

- A written law or scheme by-law specifically prevents the change.
- The modification would disturb asbestos.
- The property is heritage listed.

Refusing a minor modification

Landlord needs Commissioner approval to say no where –

- Modification would be unsafe or make the premises unsafe.
- Likely to require modification to other residential premises or common property in a strata scheme.
- Undue hardship for landlord.
- Additional maintenance costs for the lessor.
- Removal or restoration would not be reasonably practicable or likely to cost more than the security bond.
- Valid notice of termination.
- Otherwise unreasonable in the circumstances.

Minor modification conditions

No Commissioner approval required -

- The modification be undertaken by a person who is appropriately qualified to carry out a type of work that is prescribed in regulations;
- Any other condition that is prescribed in regulations.

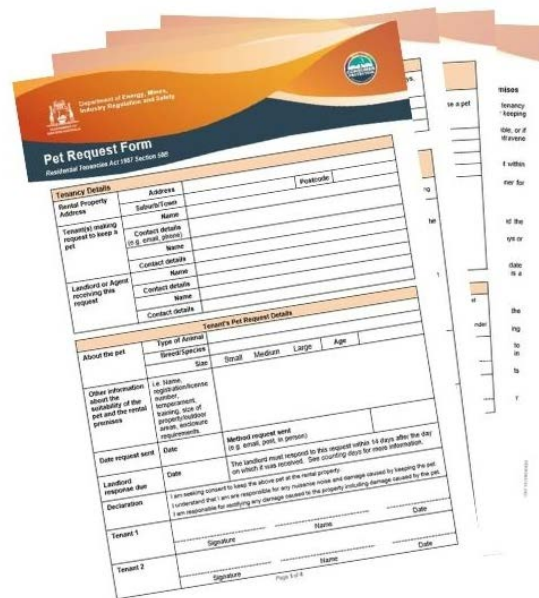
Any other type of condition needs Commissioner approval

Other modifications

- **Furniture safety** – no change – tenant must ask for permission, can only be refused if heritage listed, would disturb asbestos or breach of by-law
- **Security (family violence)** – no change – tenant may make modification without first seeking permission – must notify landlord
- **Major modifications** – change to process – tenant must seek permission using approved form, landlord must respond within 28 days
- **Modifications to support a person with a disability** – landlord may not refuse consent if refusal would be invalid under equal opportunity or disability discrimination laws

Process – pets and minor modifications

Tenant makes request in the approved form



Pet Request Form
Residential Tenancies Act 1987 section 100B

Tenant's Details

General Property Address	Address	Suburb/Town	Postcode
Tenant's making request to keep a pet	Name	Contact details (if a small animal)	
	Name	Contact details	
	Name	Contact details	
Landlord or Agent receiving this request	Name	Contact details	
	Name	Contact details	

Tenant's Pet Business Details

About the pet	Type of Animal	Sex	Age	
	Species/Breed	Small	Medium	Large
Other information about the pet and the rental premises	Is it a dog, cat, rabbit, ferret, rodent, bird, reptile, amphibian, insect, or other animal?			

Date request sent _____ **Date** _____

Method request sent _____
(e.g. email, post, in person)

Landlord's response due _____ **Date** _____

Declaration
I am making request to keep the above pet on the rental property.
I understand that I am responsible for any nuisance noise and damage caused by keeping the pet.
I am responsible for ensuring any damage caused to the premises including damage caused to the pet.

Tenant 1 _____ **Date** _____
Signature _____ Name _____

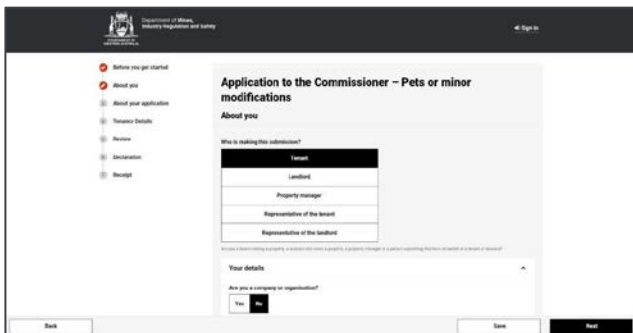
Tenant 2 _____ **Date** _____
Signature _____ Name _____

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Once the tenant's request is received...

Landlord wants to:	Landlord must:	Tenant options:
Approve request with no conditions	Inform tenant	May keep pet or make modification
Propose conditions - no Commissioner approval required	Informs tenant of condition	May apply to the Commissioner to contest the condition
Propose conditions - Commissioner approval required	Inform tenant; and Apply to the Commissioner	May provide submission to the Commissioner
Refuse permission - no Commissioner approval required	Informs tenant that permission is refused	May apply to the Commissioner to contest the refusal
Refuse permission - Commissioner approval required	Inform tenant; and Apply to the Commissioner	May provide a submission to the Commissioner

Commissioner determinations



Application to the Commissioner – Pets or minor modifications

About you

Who is making this submission?

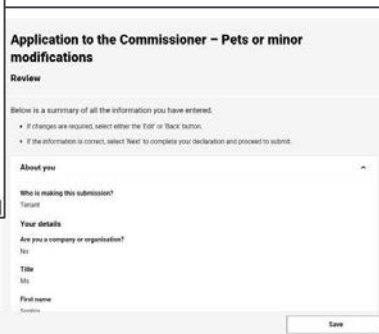
Tenant
Landlord
Property manager
Representative of the tenant
Representative of the landlord

Who is making this submission? is a required field. You cannot change a submitted field or condition of a field or tenant.

Your details

Are you a company or organisation?

Yes No



Application to the Commissioner – Pets or minor modifications

Review

Below is a summary of all the information you have entered.

- If changes are required, select either the 'Edit' or 'Back' button.
- If the information is correct, select 'Next' to complete your declaration and proceed to submit.

About you

Who is making this submission?

Tenant

Your details

Are you a company or organisation?

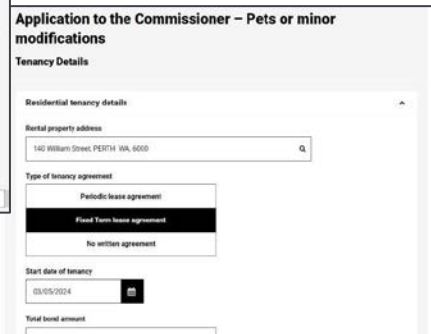
No

Title

Ms

First name

Kimberly



Application to the Commissioner – Pets or minor modifications

Tenancy Details

Residential tenancy details

Rental property address

140 William Street, PERTH WA, 6000

Type of tenancy agreement

Periodic lease agreement

Fixed Term lease agreement

No written agreement

Start date of tenancy

03/05/2024

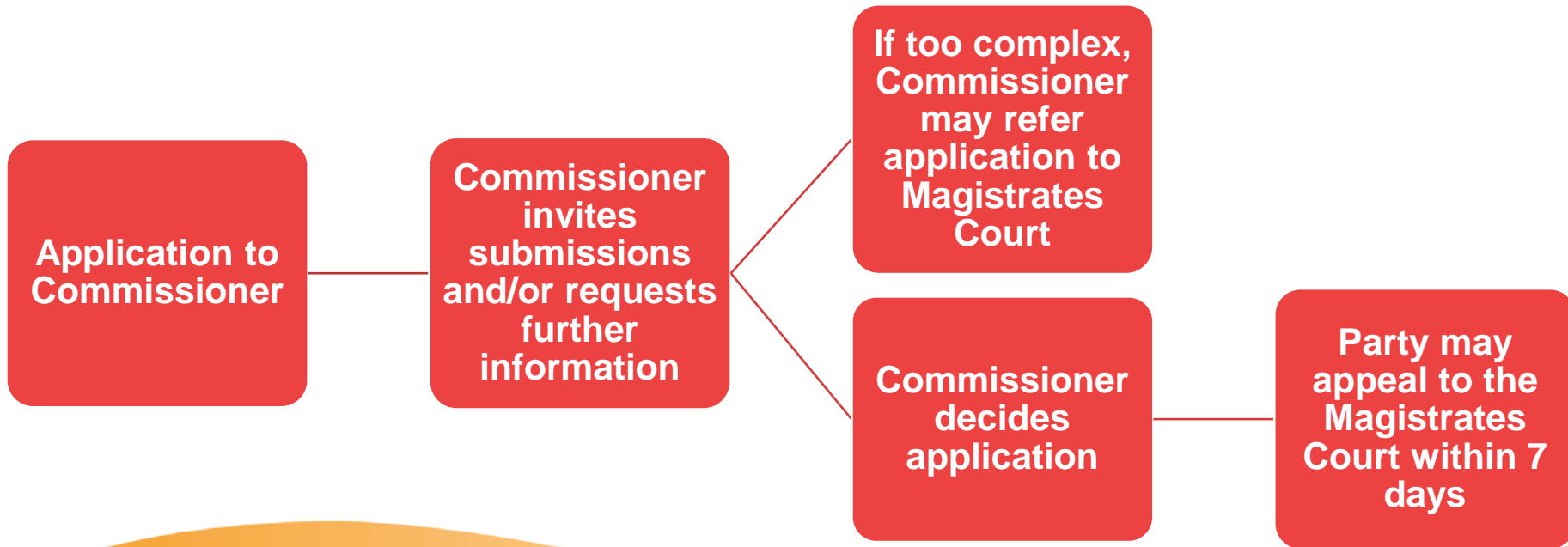
Total bond amount



Commissioner determinations

- Online process
- All parties invited to make submissions and provide evidence
- Commissioner will decide the application on the papers
- Written reasons for decision will be provided
- Party may appeal to the Magistrates Court within 7 days
- Commissioner may decline to determine complex matters – will be decided by the court

Commissioner determination process





Bond release process

- A streamlined bond release process will be much simpler and prevent disputes from going to court.
- A tenant, landlord or agent can ask for the release of the bond – the Bonds Online system will continue to be used.
- Bond Administrator will notify all other parties about the application. If the parties agree, then the bond will be paid.
- If the landlord and tenants do not agree, the Commissioner determination process will apply.



Updated forms

Mandatory residential tenancy forms are being updated to take into account the reforms, including:

- Written tenancy agreement (Forms 1AA)
- Information for tenants (Form 1AC and 1AD)

Landlords should be aware that you / your property manager will need to ensure use of the most up-to-date forms.



Conclusion

Thank you for your attendance and interest in the WA rent reforms.

We will be updating information on our website with content relevant to the reforms, and through our bulletins.

Further questions can be emailed to **warentreforms@dmirs.wa.gov.au**

Scan for more information on
WA Rent Reform





BondsOnline

BondsOnline is now available for landlords.

Get more information at demirs.wa.gov.au/bondsonline

Sign up to BondsOnline



