



repairs when renting a home

1 you have a right to ask for repairs

This is true even for things that were broken before you moved in.

3 check what is urgent

The law defines what is an urgent repair. These have to be done sooner than other repairs. Check our website to see if the repair you need is urgent.

4 tell your landlord or agent – and put it in writing

Many people prefer to report problems in person or over the phone. It is fine to start this way as it is more friendly, but it is important to follow up with the same information in writing. You should send a letter or email confirming the things that need to be fixed. That way you have proof that you asked for the repairs. This can help you later if things don't get fixed.

2 do not stop paying rent

And do not use your rent money to pay for repairs. If you don't pay rent, the landlord might try to evict you for 'rent arrears'. If the landlord is not fixing things, you can apply to pay your rent to VCAT instead of the landlord until the repairs are done (Section 77, Rent Special Account).

5 send the right form – to speed things up

You should also send an official notice with your letter or email. Use one of these forms from the Consumer Affairs Victoria website:

- Notice for breach of duty to landlord of rented premises
- Notice to landlord of rented premises

Even if the agent asks you to use their form, you should use one of these as well. We suggest you use the *Notice for breach of duty* form. It may sound a bit harsh, but if you send it now it can help get repairs done sooner, and will also help you later if you want compensation.

“ The landlord has 14 days to do non-urgent repairs. But for urgent repairs they have to act fast and fix things straight away. ”

6 take photos or videos

Take photos or videos of the problem. Sometimes a video might show the problem better than a photo (like a water leak or a lock that doesn't work). Send a copy to the landlord or agent when you write to them about the repairs.

7 keep copies for yourself

Keep copies of everything you give the landlord or agent about the repairs, including the forms you use, your letter or email, and the photos or videos you took. It's important to have proof of what you sent.

8 want to leave because things are not getting fixed?

In most cases you can't legally end your lease just because the landlord is not doing repairs. If things are not getting fixed, there are options to end your lease. But this has to be done properly or you could end up paying expensive lease breaking costs (check our website for more information).

10 need compensation?

You have the right to claim compensation for times when your rented home was not in good repair. You have up to 6 years to make a claim. And even if your landlord or agent does not agree to your claim, you do not have to drop it. You have a right to take your claim to VCAT. The more proof you have the more it will help your claim. See our information about compensation.

9 worried about getting evicted if you ask for repairs?

You cannot be evicted just for asking for repairs. If you get a *Notice to vacate* and you think it's in response to you asking for repairs you may be able to challenge it at VCAT. If you do get a *Notice to vacate* get legal advice as soon as possible. Make sure you have the notice with you when you contact us or your local TAAP service.

The information on these pages relates to existing periodic tenancy agreements and short fixed-term tenancy agreements (for fixed-term periods of less than 5 years). The information is current as of the date of publication, but may be subject to change with future amendments to the laws relating to rental properties. If you are unsure what laws apply to you, you should seek legal advice.

For more information see our website www.tuv.org.au



Tenants Victoria acknowledges the support of the Victorian Government.
June 2019 Tenants help line **03 9416 2577** www.tuv.org.au

