

Rent increases

When your landlord (legally called a rental provider) wants to raise your rent they must follow the law on rent increases.

You can challenge an increase if you believe it is too much and is 'excessive'. If you do not challenge the increase or negotiate a different rent with your landlord, you must pay the amount in the rent increase notice that the landlord should have given you.

If the landlord's rent increase notice does not meet the legal requirements, then the increase is not valid under the law. You may be able to get a refund of any extra money you paid.

How often rent can be increased

A lease, officially called a rental agreement, may be for a fixed term, such as 12 months, or periodic, such as month to month. If you do not have a written lease, your agreement is presumed to be periodic. For leases signed after 19 June 2019, your rent cannot be increased more than once every 12 months.

If you are on a fixed term lease, rent cannot be increased during the fixed term, unless the lease has a term stating the amount of increase or a method for calculating it.

For all leases, the landlord must give you a rent increase notice that meets legal requirements before the rent can be increased. Check your lease to see if it has any terms allowing rent increases.

Notice of proposed rent increase

The landlord must give you at least 60 days notice in writing that they propose to increase the rent. They must use Consumer Affairs Victoria's official [Notice of proposed rent increase](#) form.

The following information must be in the notice for it to be legally valid:

- The amount of the rent increase
- How the increase was calculated, which is called the 'method'. The increase cannot be more than the amount calculated using this method

The notice must be given to you:

- In person, or
- By mail, or
- Electronically if you have given written consent to receive notices this way – check your lease to see if you gave consent for this

If you think the notice may not meet the legal requirements, contact [Tenants Victoria](#), your local [Tenancy Assistance and Advocacy Program](#) service or local [community legal centre](#).

Challenging an increase

If you think the increase is too high, you should first apply to Consumer Affairs Victoria to challenge it. The service is free. There are 2 ways to apply:

- Use the 'Requesting an investigation of rent increase' section on the last page of the official [Notice of proposed rent increase](#) form that the landlord or agent must give you
- Use the [Request for repairs inspection or rent assessment](#) form on Consumer Affairs Victoria's website

You must apply in writing within 30 days of receiving the notice of an increase. Send your request for an investigation with a copy of the rent increase form to:

Director of Consumer Affairs Victoria
GPO Box 123
Melbourne VIC 3001
Email: renting@justice.vic.gov.au

Pay the increase while you challenge it

If you have been given a valid 'Notice of proposed rent increase', pay the extra amount even if you want to challenge it.

If you do not pay the proposed increase, and VCAT (Victorian Civil and Administrative Tribunal) later decides that the increase is not excessive, your landlord might give you a notice to vacate for rent arrears – overdue rent.

Consumer Affairs inspection

Consumer Affairs Victoria will arrange to meet you at your home. The inspector will look at the condition of the property, facilities and services, and compare the proposed rent with those of similar local properties.

During the inspection, point out anything that supports your claim. This could include:

- The state of repair of the property
- Any relevant comparable rental properties in your area
- Any work you have done, with the landlord's consent
- The original rent and any increases in the past 24 months

The Consumer Affairs Victoria inspector will give you and the agent a report with their opinion on whether the rent increase is excessive.

You then have the option to:

- Negotiate with the agent or landlord
- Apply straight to VCAT to challenge the rent increase
- Accept the rent increase

Negotiating with the agent or landlord

Try to negotiate with the agent or landlord, especially if you are reliable renters or you would have to move out because of the increase. Use the Consumer Affairs Victoria inspector's report in your negotiations.

If you reach an agreement, make sure it is in writing and signed by you and the landlord – and keep a copy.

Applying to VCAT

Once you receive the Consumer Affairs Victoria report apply to VCAT within 30 days to challenge the rent increase. VCAT will then make a decision on the proposed increase at a hearing. VCAT usually agrees with the CAV report in its decision. However, you can give your own evidence at the hearing.

If VCAT decides the rent increase is not excessive, the increase will start from the date given in the landlord's notice of rent increase.

If VCAT decides that the rent increase is excessive, the rent will be fixed for 12 months from the date of its decision, which is called an order.

If the increase started before the hearing, VCAT can order that you be repaid. Ask VCAT for this in your application or at the hearing.

Useful links

Tenants Victoria:

www.tenantsvic.org.au

Federation of Community Legal Centres:

www.fclc.org.au

Consumer Affairs Victoria:

www.consumer.vic.gov.au

This information is a guide and should not be used as a substitute for professional legal advice.