

# Renting and disasters

# Legal basics



If you rent in Victoria and your home is damaged by a flood, bushfire, or storm, you still have rights under the state's rental laws.

After disasters, renters are sometimes displaced unfairly, or can't find another home nearby. Before making any decisions about your lease (officially called a rental agreement), make sure you understand your rights and options – and get legal advice if you need it.

## If you want to leave

If a disaster makes your home unsafe or unfit to live in and you want to leave permanently, you can either:

- Agree with your landlord (officially called the rental provider) to end the lease, and get this in writing, or
- Give the landlord or agent a 'notice of intention to vacate' (get the [form](#) on Consumer Affairs Victoria's website) on the grounds that the premises is uninhabitable, then move out and return the keys

Once you return the keys, you should stop paying rent. Before leaving, take photos or videos to show the property's condition in case of a dispute. If you have paid rent in advance, ask the landlord in writing to refund it immediately. If they don't, you can seek compensation.

If you need to leave but plan to return to the property after it has been made safe, tell your landlord or agent in writing that you are only moving out temporarily, and that you do not intend to end your lease.

If the property is still habitable but you want to move out permanently, try to negotiate with the landlord or agent to move out early, and get this in writing. Without their agreement, you may have to pay lease-breaking fees or consider other options. See our website's [ending or breaking your lease](#) page.

## If you're asked to move out

If you believe your home is safe and you want to stay, you don't have to leave or return your keys straight away – even if the landlord or agent gives you a notice to vacate. It is illegal for a landlord or agent to personally evict you or have the locks changed.

To evict you, the landlord must first apply to the Victorian Civil and Administrative Tribunal (VCAT) for a 'possession order'. At the VCAT hearing, you'll get a chance to have your say. If VCAT refuses to give the landlord a possession order, you won't need to leave.

If the landlord gets a possession order, VCAT may still give you extra time before you must move out. In all cases, only the police can carry out the eviction. You can stay until the police ask you to leave. For more information, see our website's [notices to vacate and eviction](#) page.

## Repairs

When a disaster damages a rental property, the landlord is responsible for repairing and cleaning the property, including removing debris. You are responsible for cleaning your own belongings.

Call your landlord or agent as soon as possible to let them know about any damage and repairs required, then follow up by text, email or letter – send photos too. Urgent repairs must be completed as soon as possible, and non-urgent repairs within 14 days. See the list of urgent repairs on our website's [repairs and maintenance](#) page.

At times, repairs after disasters can be delayed, sometimes for reasons beyond the landlord's control, such as shortages of tradespeople. But if the landlord causes or contributes to the delays, they could be liable for compensation. Seek legal advice about your circumstances and how to speed up repairs, like sending a 'breach of duty notice' (get the [form](#) on Consumer Affairs Victoria's website) or applying to Rental Dispute Resolution Victoria (RDRV). See our website's [repairs and maintenance](#) and [claiming compensation](#) pages.

## Rent

If your lease hasn't ended, you must continue to pay the full rent unless the landlord agrees otherwise. This applies even if your rental home is damaged or you have moved out temporarily.

While you are waiting for repairs, you can ask the landlord or agent for a fair rent reduction based on how much of the property you can't use. Always get this agreement in writing and keep a copy. If the landlord refuses, you can apply to RDRV for an order to get the repairs done and ongoing compensation until the repairs are completed.



For more renting and disaster information, visit [www.tenantsvic.org.au/disasters](http://www.tenantsvic.org.au/disasters)

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## Returning and collecting belongings

If you've moved out temporarily but plan to return, check with the police or emergency services whether it's safe to re-enter the disaster-affected area. Also confirm with your local council if emergency orders apply to your rental. If there are no restrictions, you can go back. If you can't get access, seek legal advice immediately.

If you left things behind and won't be returning, contact your landlord or agent to arrange collection as soon as possible. The longer you wait, the more likely it is that your belongings will be lost or disposed of, or that the landlord will charge you for storage costs. Let your landlord or agent know about any important items or documents, and leave a forwarding address, email address and phone number. For more information, see our website's [goods left behind](#) page.

As a precaution, regularly photograph your belongings and back up important documents. This can help with insurance claims or if there's a dispute about wrongful disposal. See Justice Connect website's [get ePrepared](#) page.

## Bond refunds

If the lease has ended, you can claim your bond back straight away from the Residential Tenancies Bond Authority – go to the [RTBA Online](#) website. The landlord should not use your bond to cover disaster damage. Unless you've caused damage, you can generally expect to receive your entire bond back. If there is a bond dispute, apply to RDRV. For more information, see our website's [bonds](#) page.

## Compensation

Damage caused by disasters is usually no one's fault. You are responsible for insuring and replacing your own belongings and finding another place to live if needed. However, if you suffer loss because the landlord doesn't follow the law or meet the requirements of the lease, you may be able to claim compensation.

Examples include:

- The landlord causing repair delays
- Unlawful eviction
- Wrongful disposal of your belongings

For more, see our website's [claiming compensation](#) page.

## Rental Dispute Resolution Victoria

Rental Dispute Resolution Victoria (RDRV) is a free and impartial mediation service for rental issues like repairs, bond or compensation claims, and rent increases. RDRV helps parties reach fair agreements without the need for a formal VCAT hearing. See our website's [Going to RDRV \(Rental Dispute Resolution Victoria\)](#) page.

## Get free legal help

To speak with someone who can explain your renting rights:

- **Call Tenants Victoria's Renter Support Line**  
on (03) 9416 2577
- **Call Disaster Legal Help Victoria**  
on 1800 113 432
- **Book an appointment at your nearest community legal centre.** To find one close by, visit the [Federation of Community Legal Centres](#) website

## Useful links

### Tenants Victoria

[www.tenantsvic.org.au/disasters](http://www.tenantsvic.org.au/disasters)

### Disaster Legal Help Victoria

[www.disasterlegalhelp.org.au](http://www.disasterlegalhelp.org.au)

### Consumer Affairs Victoria

[www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)

### Rental Dispute Resolution Victoria

[www.rdrv.vic.gov.au](http://www.rdrv.vic.gov.au)

### VicEmergency (emergency relief assistance)

[www.emergency.vic.gov.au/relief](http://www.emergency.vic.gov.au/relief)

### Housing Victoria

(crisis and emergency accommodation)

[www.housing.vic.gov.au/crisis-emergency-accommodation](http://www.housing.vic.gov.au/crisis-emergency-accommodation)

### Safe Steps (family violence assistance)

[www.safesteps.org.au](http://www.safesteps.org.au)

### Rental Tenancies Bond Authority

[www.rentalbonds.vic.gov.au](http://www.rentalbonds.vic.gov.au)

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



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