

| END UNFAIR EVICTIONS

Stop tenants being evicted without a valid reason. Introduce reasonable grounds for ending a tenancy.

THE PROBLEM

Most renters are on a fixed six or twelve month lease agreement. Generally, when it ends, a renter may get a further fixed-term lease or it switches to a periodic lease, one that goes from month to month. However, a landlord or agent can choose not to renew the fixed-term lease by giving just 30 days notice to vacate, and on a periodic lease, the landlord can issue a 60 day termination notice without giving a reason.

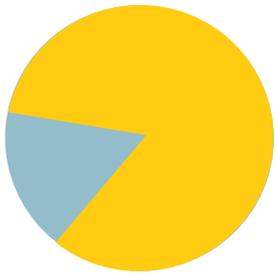
This creates an imbalance of power between landlord and tenant. It can lead to tenants fearing losing their home if they request maintenance or exercise their rights. The power for a landlord to terminate without reason means that a renter does not have long-term housing security. There is also very little opportunity to enter into longer-term agreements.

“Length of lease means I’m always uncertain of how long we can settle into a house and community. I would like the option to have a very long lease so I can feel it’s a home.”

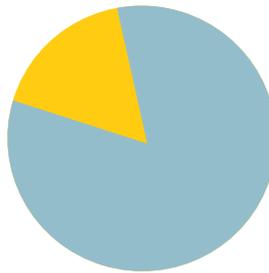
“There is no sense of permanency. You feel you should be ready to move all the time.”

THE FACTS

The impact of moving to a new house regularly is significant.

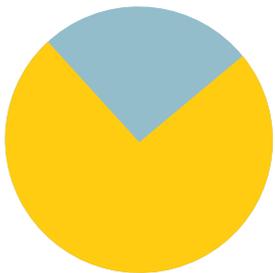


83%
of Australian renters have no long-term security.^[1]

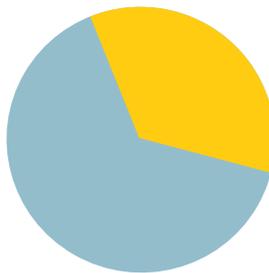


14% of renters have avoided requesting repairs or making a complaint for fear of adverse consequences such as rent increases, eviction, bad references, blacklisting and bullying.^[2]

The Disrupted survey conducted by CHOICE found that:

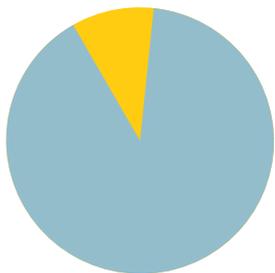


76%
of respondents were stressed because of the need to move.

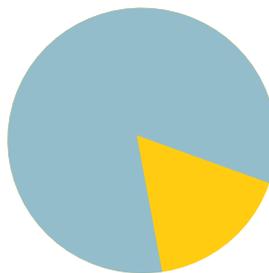


39% were concerned about the distance from friends, family and local services and felt sadness in having to leave their local area.

The Make Renting Fair WA Survey (2019) found that:



8%
of respondents have been evicted 'without grounds'.



13%
did not have their lease renewed, due to a request.



[1] [2] Unsettled: Life in Australia's private rental market (2017)
Quotes: Make Renting Fair WA survey responses (2019)

| END UNFAIR EVICTIONS

Stop tenants being evicted without a valid reason. Introduce reasonable grounds for ending a tenancy.

In 2018,

453

people contacted the Tenancy WA Advice Line because their lease was terminated. There were 6,436 downloads of the factsheet about the issue. ^[3]

“I would like more security. I asked the landlord for a 2 but preferably 5-year lease... He said he will only give me a one year contract and then review it at the end of the year.

I am scared that he will not renew the lease and it will be hard to find another rental in this catchment area where my children go to school... I don't want to disrupt them as they go through high school.

I also want security of long term tenure because this house is near my family and we love being close to them after having lived away from Australia for many years. Also, I want security because we are making connections with neighbours and have joined local community groups. That enriches our lives but it takes effort and time and I don't want to lose that if we have to move.

Not forgetting the practicalities - moving is expensive and finding a new rental and going through the associated paperwork is time-consuming and demoralising.”

“I'm not happy with my six month lease because it means in 6 months they can put my rent up or ask me to leave.”

THE SOLUTION

Renters should not face termination of their tenancies, and bear the financial and emotional cost of moving house continuously, unless there are reasonable grounds for it.

“Without grounds” termination powers must be replaced with a “just cause” termination clause to make renting fairer.

This means that a landlord can only terminate a lease when there is a good reason to do so, such as:

- The landlord or family needs to live in the property
- The landlord is undertaking major renovations which require vacant possession

- The tenant is breaching the agreement, such that it justifies termination

Landlords will still be able to terminate a tenancy where a legitimate reason exists. Just like now, if the tenant doesn't move out after the termination notice, the landlord will need to apply to Court and prove the legitimate reason. The tenant can dispute the termination and the landlord will need to prove a legitimate reason to a Court or Tribunal, just as the lessor needs to prove the correct notice was given under the current system.

This reform will prevent “churn” of tenancies and stop landlords from using “without grounds” terminations where

tenants have sought maintenance or repairs, and for discriminatory reasons.

Reasonable grounds for termination, and effective scrutiny of termination applications by the Court or Tribunal, will make the process fairer for landlords and renters. Landlords and real estate agents who have previously used the ‘without grounds’ terminations, but have always had a good reason, will see no significant difference under these proposed reforms.

[3] Tenancy WA Statistic Summary (2019)

Quotes: Make Renting Fair WA survey results (2019)