

REPAIRS



URGENT REPAIRS

Urgent repairs are things like:

- burst water pipes
- a blocked or broken toilet
- a roof leak
- flooding inside your home
- a gas leak
- electric sparks or shocks
- broken window
- broken front and/or back doors
- no hot water, heating or cooling
- you can't cook
- you can't wash your clothes.

Don't wait! You need to get these repairs done now!

(Non-urgent repairs are not so serious – things like cracks and stains, or flaking paint.)

HOW CAN YOU GET URGENT REPAIRS DONE?

For private renters or community housing renters

Tell the landlord or agent and write down what both of you said. The best idea is to write it all down and send them a letter.

If you can't contact the landlord or they do not do the repairs, **you can get urgent repairs done yourself**. You need to be able to show that:

- this was not your fault
- you tried to contact the landlord
- you gave the landlord a chance to do the repairs.

You can get urgent repairs done by a **qualified tradesperson** – try the tradesperson on your rental agreement first. Then write to the landlord or agent to tell them what you are doing.

Do not spend more than \$1,000. The landlord is not obliged to pay you more than that.

Before you spend any money on repairs get advice from your local **Tenants' Advice and Advocacy Service**. It is sometimes difficult to get your money back.

Get receipts from the tradesperson and keep the receipts.

Do not stop paying your rent.

To get your money back after paying for repairs write a letter to the landlord:

- tell them what repairs were done
- tell them how much the repairs cost
- **put copies of your receipts in with the letter.**

The landlord should pay for these costs up to \$1,000, within 14 days.

For Housing NSW or Aboriginal Housing Office renters

Call the **DCJ Housing Contact Centre** on 1800 422 322.

If they don't help you, call your local **Tenants' Advice and Advocacy Service**.

HOW CAN YOU GET OTHER (NON-URGENT) REPAIRS DONE?

If you think something needs to be fixed:

1. Tell the landlord or agent.
2. Send a letter to the landlord or agent saying what work needs to be done and by when.

If the landlord won't get the repairs done in a reasonable time, call your local **Tenants' Advice and Advocacy Service**.

Can you get non-urgent repairs done yourself?

Yes you can. But you need to get the OK beforehand in writing from the landlord so you can get your money back.

WHEN CAN THE LANDLORD COME INTO YOUR PLACE TO DO REPAIRS?

The landlord or agent and tradespeople are allowed to come into your place to do repairs and maintenance.

They are allowed in if they have given you proper notice (a minimum of 2 days in most cases) or if you have given permission – even if you're not at home. There are some special situations where they can come in anyway.

What are the special situations?

The landlord or agent, or a representative for them, can come into your place without your permission:

- If they give you the right notice for a proper purpose.
- in an emergency
- to do urgent repairs
- if the landlord thinks that the place has been abandoned
- if they have an order from the **NSW Civil and Administrative Tribunal**.

They can also come in if they are really worried about the health or safety of a person at your place. But they have to try and get your permission first.

RECTIFICATION ORDERS

(from 23 March 2020)

If you have written to your landlord asking them to repair something in your property and they have failed

to fix the problem without a reasonable excuse, you can make a complaint to **NSW Fair Trading's free complaint service**.

If the complaints service is not able to resolve the problem, you can request that NSW Fair Trading investigates the issue further.

Following investigation, a **rectification order** will be made **if** an investigator finds that your landlord has:

1. failed to carry out an urgent repair; or
2. failed to provide your property in a state that is fit for habitation (based on the minimum standards).

More details and forms are available on the NSW Fair Trading website at fairtrading.nsw.gov.au.

Applying for assistance through this process does not stop you from being able to apply to the NSW Civil and Administrative Tribunal about your repairs issue.

Rectification orders **cannot be made on social housing providers** (including NSW Land and Housing Corporation, community housing providers, and the Aboriginal Housing Office).



Painting by Pauline Coxon

Tenancy issues, clockwise from bottom left: Community; Lending a Hand; Making Tracks to your tenancy; Coming Home; Key to success.

NEED SOME HELP?

Call your local Aboriginal Tenants' Advice and Advocacy Service for free advice. Phone numbers below.

For free tenancy advice, call your local Tenants Advice and Advocacy Service:

SYDNEY:

• Eastern	9386 9147
• Inner	9698 5975
• Inner West	9559 2899
• Northern	9559 2899
• Southern	9787 4679
• South West	4628 1678
• Western	8833 0933

REGIONAL:

• Blue Mountains	4704 0201
• Central Coast	4353 5515
• Hunter	4969 7666
• Illawarra Sth Coast	4274 3475
• Mid Coast	6583 9866
• Northern Rivers	6621 1022
• Northwest NSW	1800 836 268
• Southwest NSW	1300 483 786

ABORIGINAL:

• Sydney	9833 3314
• West NSW	6881 5700
• South NSW	1800 672 185
• North NSW	1800 248 913

WEBSITE: tenants.org.au

NSW FAIR TRADING: 13 32 20

This factsheet is intended as a guide to the law and should not be used as a substitute for legal advice. It applies to people who live in, or are affected by, the law as it applies in New South Wales, Australia. ©Tenants' Union of NSW

