

Smoke alarms

As a tenant you have rights under the *Residential Tenancies Act 2010* and Regulation. This factsheet explains the law about smoke alarms in NSW.

Landlords must install smoke alarms

It is a term of every residential tenancy agreement that the landlord will install and maintain smoke alarms according to the standards in the *Environmental Planning and Assessment Regulation 2000*.

Types of buildings and types of alarms

All smoke alarms installed from 1 May 2006 must comply with Australian Standard AS 3786. The power supply and location of smoke alarms depends on the type of building.

Private dwellings

This includes:

- detached houses, terrace houses, town houses and villas
- apartments, units and flats
- caretakers flats and flats above shops
- relocatable homes.

Alarms must be hard-wired to mains electricity supply or battery powered (landlord's choice).

They must be installed on every storey. On storeys with bedrooms, an alarm must be located on or near the ceiling in every corridor associated with a bedroom. The landlord may have to install one or more alarms.

On storeys without bedrooms, a smoke alarm must be installed in the path of travel that people would likely take to evacuate the building.

Boarding houses

Smoke alarms must be hard-wired to mains electricity supply, or powered by a non-removable 10-year long-life battery (landlord's choice).

They must be installed on every storey. On storeys with bedrooms, a smoke alarm must be installed in each bedroom, and in each corridor associated with bedroom.

On storeys without bedrooms, a smoke alarm must be installed in the path of travel that people would likely take to evacuate the building.

There are additional requirements and standards for smoke alarms in large boarding houses ('Class 3' buildings). See the NSW Department of Planning and Infrastructure website (www.planning.nsw.gov.au) for more information.

Old smoke alarms

Smoke alarms installed before 1 May 2006 are not required to comply with Australian Standard AS 3786. However, if the alarm is not located as required by the regulation, the landlord must move it or install a new one.

If an old alarm stops working or is removed, the landlord must replace it with an alarm that complies with the standard.

Interfering with a smoke alarm

It is a term of every residential tenancy agreement that neither the landlord nor the tenant shall interfere with the operation of a smoke alarm without a reasonable excuse.

If a smoke alarm gives 'false alarms' (e.g. triggered by cooking), do not remove the battery or disable it. Contact the landlord/agent and ask that the alarm be moved to a more suitable location or replaced with a different style of alarm.

Replacing batteries

It is a term of every residential tenancy agreement that the tenant is responsible for replacing batteries in any smoke alarms during the tenancy.

NSW Fire and Rescue provides the Smoke Alarm and Battery Replacement service for people over 65 or people with disability who have no-one to assist them. Contact your local fire station for information.

Landlord's access to premises

A landlord/agent/contractor, having given 2 days notice, can enter premises to:

- install smoke alarms
- maintain and repair smoke alarms.

Disputes

You can apply to the NSW Civil and Administrative Tribunal (NCAT) for an order for the landlord to:

- install smoke alarms
- maintain and repair smoke alarms
- stop interfering with the operation of a smoke alarm.

The landlord can also apply to NCAT for an order if you interfere with the operation of a smoke alarm or refuse to change the battery.

Urgent repairs

Repair or replacement of a smoke alarm can be an urgent repair – see Factsheet 06: *Repairs and maintenance*.

Alarms for people with hearing impairment

The smoke alarms required by the regulation issue an audible alarm. Devices such as flashing lights and vibrating pillow pads can be connected to some smoke alarms. Ask your landlord to install a compatible alarm.

Contacts and further information

- Smoke Alarms Help Line: 1300 858 812
- Fire and Rescue NSW: phone 02 9265 2999, www.fire.nsw.gov.au
- Better Hearing Australia – Sydney Branch: www.betterhearingsydney.org.au

Factsheet updated April 2019

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