

Window safety rules changed for strata blocks

How does the change affect renters?

Background

The government has changed legal requirements for strata apartments to prevent children falling from windows. By the 13th of March 2018 all strata buildings are required to have window safety devices installed on windows which have been identified as a risk for falling.

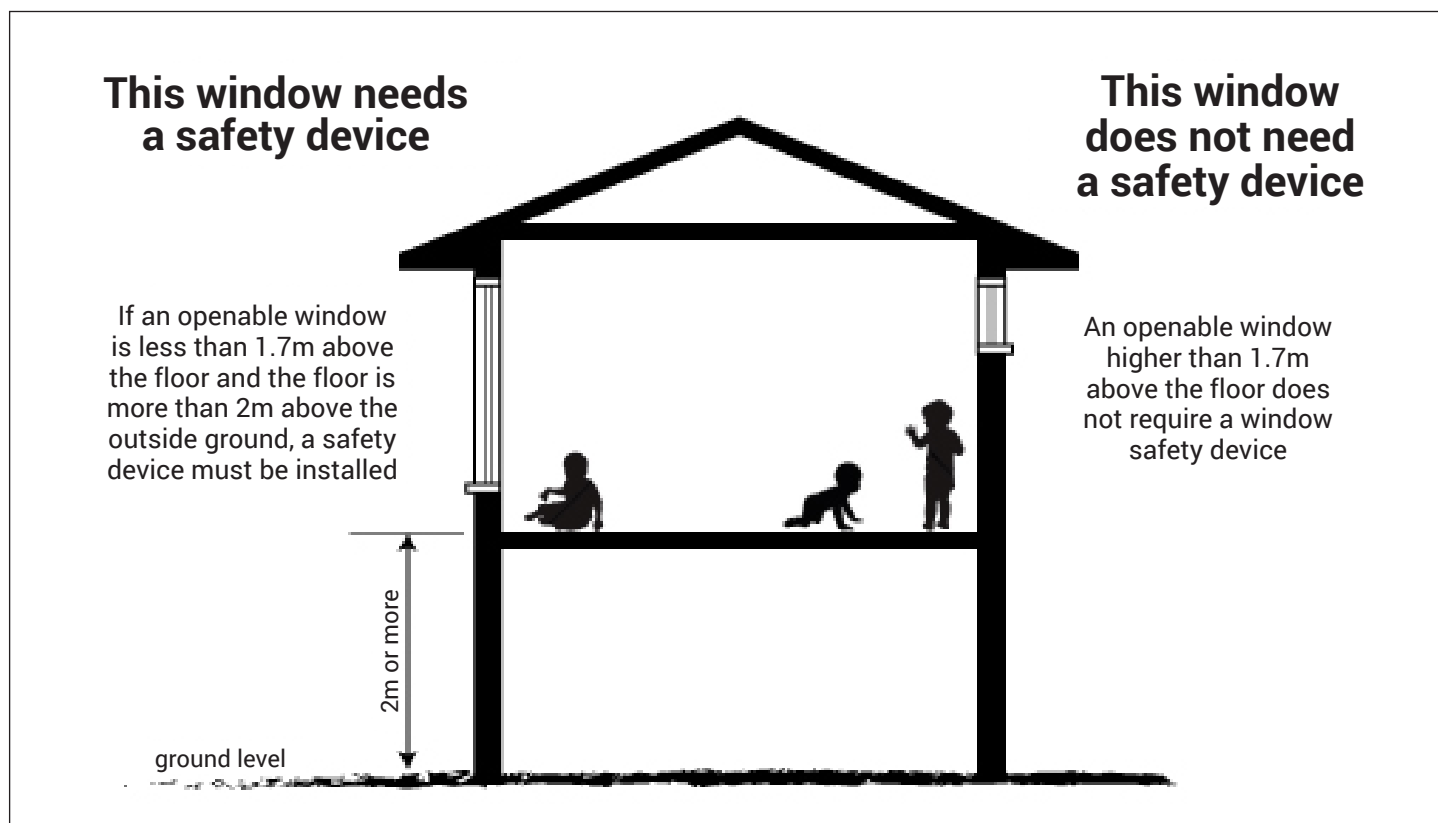
These rules only affect strata blocks regulated by the *Strata Schemes Management Act 2015*. Detached houses, unit blocks owned by one landlord (whether an individual or a company) and public and community housing buildings are not covered.

What are the requirements?

Safety devices must be attached to windows which meet all three of these characteristics:

- More than 2m above the ground outside (a balcony counts as the ground for this rule), and
- Lower than 1.7 metres from the floor inside, and
- The window can be opened wider than 12.5cm.

Safety devices can come in a range of types that may be more suitable for different windows. Most devices will be a lock that when in use can prevent the window from being opened wider than 12.5cm.



NSW Fair Trading graphic on window safety. See fairtrading.nsw.gov.au for a range of information on window safety.

They also need to be able to withstand 250 newtons (about the force of a child pushing against the window).

Security bars or grilles may also meet the requirements if the gap between bars is 12.5cm or less, but flyscreens generally won't unless they are especially strong and designed to resist a lot of force.

For more information about the range of possible devices and which windows are appropriate for different types see: <http://www.health.nsw.gov.au/childsafety/Pages/kids-dont-fly.aspx>

The owner's corporation is entitled to enter the premises without your consent in order to carry out this work. You must provide access to the owner's corporation or their workers for this purpose. You do not need to be physically present, though we do recommend it. The owner's corporation is liable for any damage to the premises or your contents that occurs so long as you did not "hinder or obstruct" their access.

What you can do if windows don't meet requirements

Your landlord does not have a legal obligation to ensure windows are fitted with safety devices. The strata owner's corporation has the obligation to ensure all windows comply with requirements. Try the following steps:

1. You can write to your landlord requesting that they install the devices or ensure the owner's corporation does.
2. You can request NSW Fair Trading investigate the owner corporation's failure to install window safety devices. There may be a \$550 fine for each failure.

3. You can also apply for mediation through NSW Fair Trading about the failure of the owner's corporation to ensure the safety devices are installed. There is no fee for mediation.
4. If mediation fails, you can apply to the NSW Civil and Administrative Tribunal for orders that the owner's corporation carry out the work. This will cost \$101, concession rates may apply.
5. If all other steps fail, you may choose to install the devices yourself – see below.

Installing devices yourself

This is considered an alteration to the premises. Some, but not all, window safety devices will constitute an alteration of a minor nature. The landlord cannot unreasonably refuse your request for an alteration of a minor nature, but can be unreasonable about alterations which are not minor.

This option probably means you will pay for the device yourself. You can negotiate with the landlord to have them pay for this cost as you are making an improvement to their property. If they do agree make sure you have their agreement to this in writing before you spend any money or you will find it difficult to be reimbursed.

No matter what path you choose, it is probably worth having a chat with the advocates at your local Tenants' Advice and Advocacy Service. Find their details by entering your postcode or suburb details at the bottom of this page or under the Contact Us button at the top.

Information sheet prepared by Leo Patterson Ross, Tenants Union of NSW, February 2018.

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

SYDNEY:

• Eastern	9386 9147
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• Inner West	9559 2899
• Northern	9559 2899
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• South West	4628 1678
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WEBSITE: tenants.org.au

NSW FAIR TRADING: 13 32 20

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