



Building Commission

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Info@buildingcommission.wa.gov.au

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Smoke alarm regulations for existing dwellings

As of 1 October 2011 the requirement for existing dwellings offered for sale or lease under Part 10A of the *Building Regulations 1989* will extend under regulation 38M to dwellings that are made available for hire. This requirement applies to Class 1 buildings, a unit in a Class 2; and Class 4 buildings and includes dwellings such as:

- a) Boarding houses, guest houses, hostels, bed and breakfast accommodation, farmstays and the like –
 - with a total area of all floors not exceeding 300 m² measured over the enclosing walls of the Class 1b building; and
 - in which not more than 12 persons would ordinarily be resident; or
- b) Four or more single dwellings located on one allotment and used for short-term holiday accommodation, which are not located above or below another dwelling or another Class of building other than a private garage.
- c) Holiday homes and apartments or other dwellings made available for hire on a casual basis.
- d) Dwellings hired out to employees.

“Hire” under regulation 38M means where there is a stipulated payment for the use of the dwelling, rather than some other form of reward.

Additionally, as of 1 October 2011, **all** dwellings subject to a residential tenancy agreement must have smoke alarms installed in accordance with the requirements of regulation 38L(3). This means that any landlord, not just those entering into a new residential tenancy agreement with an existing tenant, who owns and rents a dwelling as defined in the regulations, must comply.

Peter Gow

EXECUTIVE DIRECTOR, BUILDING COMMISSION