



Department of Communities tenants

Tenancy laws in Western Australia have changed. You have new rights and responsibilities when you rent a home through the Department of Communities.

1. The right to quiet enjoyment

We all have the right to sit back and enjoy our home. Quiet enjoyment is the right for both you and your neighbour/s to occupy, use and enjoy your homes in reasonable privacy without too many interruptions.

The Department of Communities has an equal responsibility to ALL their tenants and must take reasonable steps to make sure that everyone respects their neighbours' right to comfort and privacy.

2. You are responsible for meeting the terms of your tenancy agreement including:

- paying your rent on time;
- looking after your property;
- not causing serious damage to your property or injuring anyone including Department of Communities employees;
- telling the Department of Communities when maintenance and repairs are needed; and
- telling the Department of Communities when your circumstances change. Things like:
 - if you get more or less income/money;
 - if you have more or less people who regularly stay with you in your house; or
 - if there are other things happening which might affect your tenancy.

You may be evicted if...

You may have your tenancy agreement terminated if you have:

- allowed the premises to be used for an illegal purpose;
- caused or permitted nuisance behaviour at your home; or
- prevented others living nearby from enjoying reasonable peace, comfort or privacy in their home.

If this happens the Department of Communities doesn't need to send a letter or a notice. They can apply directly to the Court who will look at how often the behaviour happened and how serious the behaviour was.

If the Court finds your tenancy agreement terms have been broken and it is serious enough to end your agreement, the Court can make an 'order of termination' and require you to leave the property by a certain date.

If the Court doesn't end the agreement it can still make orders such as requiring you to change some of your behaviours and activities.

Remember as part of your tenancy agreement you will need to make sure your behaviour is acceptable.

3. Applying for a review

You have the right to have decisions that are made about your tenancy reviewed. Applying for a review is the same as appealing a decision. There are a number of rules determining how you can and how long you have to apply for a review.

How long do I have to apply for a review?

Decision you may want to have reviewed	Examples of decision	How to apply for a review
<p>Offer of alternative premises</p> <p>The Department of Communities may decide to terminate your agreement if it has offered you an alternative property. If you are asked to move out because you have been offered another place you can request a review of this decision to terminate your tenancy.</p>	<ol style="list-style-type: none"> 1. You are a couple in a four bedroom home and have been offered a two bedroom home instead. 2. The property is to be redeveloped. The single home will be demolished and 4 units built instead. 	<p>You have 30 days to apply for a review when you receive a letter telling you why you are being asked to move.</p> <p>You can apply for a review by writing, telephoning, or meeting with the Department of Communities.</p>
<p>Eligibility to continue living in social housing</p> <p>You can request a review of a decision that you are no longer eligible to continue living in social housing.</p>	<p>Social housing is provided to low income earners. If your income goes up and you no longer qualify as a tenant you will receive a letter from the Department of Communities explaining this.</p>	<p>You have 30 days to apply for a review when you receive a letter telling you the reasons you are being asked to leave social housing.</p> <p>You can apply for a review by writing, telephoning, or meeting with the Department of Communities.</p>
<p>Ending a tenancy agreement because of objectionable behaviour.</p>	<p>If you have:</p> <ul style="list-style-type: none"> • used, or allowed your property to be used for an illegal purpose; or • caused or allowed your property to be used for nuisance behaviour; or • caused or allowed any interference with the reasonable peace, comfort or privacy of anyone who lives near your premises. 	<p>The Department of Communities does not have to write to you or issue a notice. It can apply directly to the Magistrates Court for an order ending your tenancy and taking back the property.</p>

4. What happens after I apply to have a decision reviewed?

An application for review about	Examples	What happens next?
<p>A decision to end your tenancy because an offer of an alternative property has been made and you have not accepted it.</p>	<p>You have ongoing medical appointments close to your current property and the alternative home is too far away.</p>	<p>Once the Department of Communities receives your application for review it will consider it and a decision will be given to you in writing.</p> <p>You may also be offered a second alternative and you have the right to have that offer reviewed if you disagree.</p> <p>If you have not accepted the first offer, or the second offer if one is made and the decision is to still end your tenancy, you will received a written 60 day termination notice.</p> <p>If you have not moved out by the day stated in this notice the Department of Communities can apply to the Court for an order to end your tenancy agreement and an order to take back the premises.</p>
<p>Eligibility to continue living in social housing.</p>		<p>Once the Department of Communities receives your appeal it will be considered against approved eligibility criteria and a decision will be given to you in writing.</p> <p>If the decision is still to end your tenancy agreement you will receive a written 60 day termination notice.</p> <p>If you have not moved out by the day stated in this notice the Department of Communities can apply to the Court for an order to end your tenancy agreement and an order to take back the premises.</p>

An application for review about	Examples	What happens next?
<p>Ending a tenancy agreement because of objectionable behaviour.</p>		<p>The Department of Communities does not need to send you a letter or a notice. They can apply directly to the Court who will look at how often the behaviour has happened.</p> <p>If the Court finds your tenancy agreement has been broken, and it is serious enough to end the agreement, they can make an 'order of termination.' This means they will take back the property from a certain date.</p> <p>If the Court doesn't end the agreement it may make other orders, such as requiring you to change your behaviour.</p>

Note: A 'termination notice' is not a court order. If you have not moved out after receiving a termination notice, the Department of Communities must apply to the Court before they can obtain possession of your home.

The Department of Communities cannot obtain possession of your home unless they have a court order.

There will soon be other important changes to your rights as a tenant. These will include changes to bond lodgments, fees and charges, urgent repairs, inspections, new requirements regarding tenancy agreements and property condition reports, as well as your rights if a tenancy data base is used.

For information about the Department of Communities, housing policies, and your specific tenancy contact: Department of Communities, Housing Division on 1800 176 888 or www.housing.wa.gov.au.

For information on your rights as a tenant contact:

Department of Mines, Industry Regulation and Safety's, Consumer Protection Division on 1300 30 40 54 or www.commerce.wa.gov.au/consumer-protection/renting-home and www.tenancywa.org.au.

Disclaimer – The information contained in this fact sheet is provided as general information and a guide only. It should not be relied upon as legal advice or as an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations, you should obtain independent legal advice.

Consumer Protection | Department of Mines, Industry Regulation and Safety

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