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Tenant fined for breaking renting laws

Leaving a rental property in a dirty state of disrepair and failing to provide a forwarding address to the landlord has cost a Western Australia tenant almost \$1,000.

Forty-seven-year-old Lisa Marie Hutchins pleaded guilty to breaking tenancy law during a hearing at the Midland Magistrates Court on 16 January 2014. She was fined \$250 and ordered to pay costs of \$702.63.

Commissioner for Consumer Protection Anne Driscoll considers this prosecution against a former tenant under the Residential Tenancies Act shows even handedness in regulation of the rental marketplace and acts as a warning to tenants about their legal responsibilities.

“Tenants have to keep a rental home tidy and clean and hand it back in a similar condition to how it was when the rental agreement began; less any fair wear and tear. In this case the property was left in a dirty and unsatisfactory condition – the carpets were ruined with pet faeces and urine,” Ms Driscoll said.

“The repairs cost nearly \$6,000 and the bond only covered about \$1,600 leaving the owners about \$4,300 out of pocket. They were unable to contact Ms Hutchins to seek redress because she had failed to leave her former landlord a forwarding address, which exiting tenants are required to do under the Residential Tenancies Act.

“Consumer Protection receives a number of complaints from landlords about this type of issue and our legal action sends a message to tenants about their responsibility to provide a forwarding address and the potential consequences of not doing so. Importantly, the maximum fine for this issue has recently been increased from \$1,000 to \$5,000. The higher fine was not applicable in this case.”

Ms Hutchins had rented a Stratton property in December 2008. The couple who owned it served her with a notice of termination in August 2011 and then when she refused to vacate they obtained a court order to make her leave in November 2011. She failed to attend the final inspection and did not provide a contact address.

The Commissioner added: “A tenant failing to leave a forwarding address might sound like a trivial matter but for a landlord who needs to seek payment for repairs, it is vital information. The consequences of not having those details can be severe financial detriment.”

Tenants and landlords can find information about their rights and responsibilities under the Residential Tenancies Act at www.commerce.wa.gov.au/renting or by calling **1300 30 40 54**.