



FAQ: CORONAVIRUS AND TENANCY

FACT SHEET

The Tenants' Advice Service are receiving a volume of queries about Coronavirus and issues with tenancy. This frequently asked questions and answer sheet will be updated on a regular basis when new enquiries are received and as new updates are provided by the Government.

It is important to know that at this stage nothing about the COVID19 crisis changes anything about your rights and obligations in your tenancy. We and more than 70 other organisations and experts around Australia are calling on all Commonwealth, State and Territory governments to put a stop on evictions during this health crisis. [Consider signing our petition and see the full statement here](#)

Importantly, we let our clients know that our service is still providing business as usual. The Tenants' Advice Service regularly provide advice via telephone and via other means and we are able to accommodate advice on a continuing basis for anyone uncomfortable with attending our service face to face.

We recommend that if this crisis is causing you stress or anxiety we encourage you to speak to someone about this by contacting Lifeline on 13 11 14 or through their [online service](#) (available 7pm to midnight, 7 days a week).

Rental Arrears or getting behind in your rent?

It is inevitable that some tenants will experience problems paying their rent during this difficult time when employment security is at risk and are concerned they might be evicted during this time. Landlords and Real Estate Agents must still follow the correct process to raise problems with rental arrears.

A Landlord or Real Estate Agent can issue a notice (RT03 – Notice by Landlord to Tenant to Remedy Breach of Agreement – Unpaid Rent) to a tenant if they are in rental arrears and can then take further action if the rental arrears are not paid by the date set in the notice.

It is worth making sure that your Landlord or Agent are aware of your circumstances and you can attempt to negotiate with them if you are suffering hardship, with options such as deferring your rent or entering into another arrangement.

There are currently no provisions to stop evictions happening for rental arrears and the process is the same as normal at this stage. You can refer to [our factsheet for rental arrears](#).

If you feel like you cannot continue in your tenancy then you can follow the information in our [Termination by Tenant Factsheet](#), but we encourage you to contact us for legal advice before you leave the property or contact your agent.

Further, you should also consider how Centrelink may be able to assist. For further information you may want to consult the [Factsheet compiled by Economic Justice Australia](#).

Concerns about people coming to your property for inspections

Some tenants have expressed concern about open houses due to the property being listed for sale.

There are a number of rules that address how and when a landlord or agent can attend a property. Information about this can be found on our website [Access and Privacy page](#). At the moment these rules still need to be followed to ensure that the tenant still has reasonable peace and quiet enjoyment of their property.

For Sale: The law allows now that an owner or agent may show a property with 24 hours' notice (written or verbal) but the number of times the property is accessed needs to be reasonable. The landlord or agent needs a tenant's consent to come on to the property, but a tenant cannot unreasonably refuse attendance.

For a regular inspection: The law is clear that a tenant is to be given 7 days' notice for an agent or landlord to attend their property and this can only be done every 3 months.

A tenant may also want to speak to the Landlord or agent about considerations for them to help prevent the spread of Coronavirus, such as:

1. Requesting that people who are considering attending the property refrain if they have been overseas in the last 14 days; and
2. Provide masks and hand sanitiser to people who attend the property; and
3. Limit the number of people in the property to make sure that there are social distancing principles followed; and
4. Supervise adequately to ensure no-one touches any of the tenants property.

Attending outgoing inspections and handing back keys

A tenant has a right to attend an outgoing inspection and be offered the opportunity to attend. At the time of publishing there are no indications from the Department of Health that stop this attendance from happening. See our Information about [Condition Reports](#) for further general information on this aspect.

The Tenants' Advice Service has heard of cases where tenants have been refused the right to attend the inspection because of COVID19 risk. This may be an unreasonable refusal and the tenant should contact the Tenants' Advice Service for advice.

The assessment as to what is reasonable is also important for the returning of keys when providing vacant possession at the end of a tenancy. The Residential Tenancies Act does not specifically talk about how this is supposed to happen, it just talks about 'possession'. This may be something that may be negotiated between a tenant and landlord or agent for what is a reasonable return of keys that might not require physical handover.

Once again please contact the Tenants' Advice Service for advice.

NTCAT and making NTCAT applications

The Tenants' Advice Service can confirm that at this stage the advice from NTCAT is that all NTCAT matters will proceed. Rules about parties having to attend the NTCAT sites for hearings have been relaxed and telephone hearings will be the usual form of hearing.

The Tenants' Advice Service recommend that each party sends an email to NTCAT to notify them of the telephone number they want to be contacted on.

Tenants also need to know that NTCAT has always preferred receiving documents and being contacted by electronic means (via email). NTCAT has now made a decision that during these emergency times they will not accept documents or paper direct to them at their registry or during hearings.

This decision may cause some tenants difficulty if they don't have access to a computer or technology. If you are a tenant that this may affect, please contact our Tenants' Advice Service.

If you already have a matter at NTCAT make sure that you communicate with them and ask for an adjournment to put the matter on hold if you need to.

We want to hear from you

Are you having any difficulties to do with your rented home due to the impacts of coronavirus (COVID-19)?

- Have you been evicted?
- Have you been given a Notice to vacate?
- Are you finding it harder to pay rent?
- Are you finding it hard to be isolated because people are coming into your home for sales inspections or other reasons?
- Are you finding it hard to get anyone to do repairs?
- Anything else?

We want to find out about anything that is negatively impacting tenants during this health emergency so we can try and change it.

[Tell us your COVID19 story](#)