

**Submission
No 37**

**RESIDENTIAL TENANCIES AMENDMENT (PROHIBITING NO GROUNDS
EVICTIONS) BILL 2024**

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Select Committee on the *Residential Tenancies Amendment
(Prohibiting No Grounds Evictions) Bill 2024*

Legislative Assembly

Parliament of New South Wales

Via email: nogroundsevictionsbill@parliament.nsw.gov.au

Submission to New South Wales Select Committee on the *Residential Tenancies Amendment (Prohibiting No Grounds Evictions) Bill 2024*

I welcome the opportunity to make a short submission to this inquiry in support of the bill put forward by Ms Jenny Leong.

Currently in Western Australia a tenant can be evicted without any reason at the end of a fixed-term lease or at any time during a periodic lease when the tenant hasn't breached any lease conditions, but the landlord wants them to leave the property. In this instance the landlord doesn't need to give a reason but they do need to provide sufficient notice. The notice period is 30 days for a fixed-term lease or 60 days for a periodic lease.

In Western Australia there are more than 700,000 people who rent

There are currently seven grounds under the *Residential Tenancies Act 1987 (WA)* landlords can legally use to evict tenants, including:

1. Tenant breaches including:
 - a. prolonged rental arrears (ie not paying rent);
 - b. unauthorised subletting;
 - c. not keeping the property reasonably clean or maintaining the garden as agreed;
 - d. changing the locks or making alterations without approval; or
 - e. causing a nuisance to neighbours;
 - f. using the premises for an illegal purpose;
2. Tenant causes serious damage to the property or people;
3. Sale of the property;
4. Undue hardship or special circumstances where the landlord will otherwise suffer significantly if they had to continue with the tenancy;
5. Abandoned property;
6. Mortgage repossession; and
7. Frustration due to disaster or other natural event making the property uninhabitable.

Not only are these grounds fairer and more legally sound as a method of evicting tenants, but they are also much faster requiring only 14 days' notice (except in the case of sale of a property, where 60 days notice must be given for periodic leases and a tenant must be allowed to finish their lease if on a fixed term).

The additional presence of no-grounds evictions in the *Residential Tenancies Act 1987 (WA)* diminishes the significance of any rights for tenants that are inherent in the seven grounds for eviction listed above, as a landlord can simply evict a tenant without cause if there is disagreement over whether a breach has occurred.

Additionally, fear of eviction without reason is translating to renters being too scared to assert their existing rights, which are limited. A [survey conducted by Make Renting Fair WA in 2022](#) found that 63% of respondents were too scared to ask for maintenance or necessary repairs in case that leads to being evicted, 41% were too scared to even try due to the fear of losing their lease and 16% reported not having their lease renewed after making a reasonable request of their landlord.

A survey of more than 200 community residents undertaken by my office earlier this year during debate on tranche 1 of the government's *Residential Tenancies Amendment Act* showed similar results. Tenants reported feeling scared to make any request of their landlord, even when they were well within their rights. The rental vacancy rate in Perth is at a record low and the additional stress of trying to find a new rental in these conditions is contributing to this fear.

Here are a couple of examples of comments from the WA Rental Survey undertaken by my office:

"We were served a no grounds termination notice the day after requesting repairs in writing to our landlord, and the magistrate refused to adhere to the retaliatory eviction provisions in the RTA. We were also refused compensation for neglected repairs." - Caitlyn

"I was evicted from my last house because it was condemned as the landlord wouldn't fix the roof, termite damage or leaking rooms. I was given 7 days to leave which I think is illegal. Before the house was condemned, I requested a rent reduction due to areas of the house being unusable, but the landlord refused and said, 'Where else will you get a house?' He was eventually told by the estate agent he could no longer rent the house out as it was unsafe and then he said he would sue the agent for lost income. I am considering going to court to get a rent reduction refunded to me, but it feels overwhelming." - Anonymous

"I received an eviction notice for "complaining" too much that the hot water system wasn't working. Over my 2-year lease, the hot water system broke more than 10 times and instead of fixing it properly, they ended up putting the blame on me." - Scott

"I was blamed for damaging a clothesline that was extremely old. I had repaired it for the owner once. It broke again I asked for a replacement because I wouldn't fix it because it was beyond repair. I was served an eviction notice for deliberate damage." - Harrison

"Every time a repair is needed the landlord blames us. He will take weeks to get someone out for one quote then never follow up until we reach out again to the agent. Then he sends out another person for another quote and the process starts again. He took 18 months to send a handy person out to fix a few things that took 45 minutes total to complete. He has verbally threatened us with eviction before and we live in fear of eviction despite having a regular

income, never being late on payments and making sure we are doing the right things by looking after the house.” - Liam

These quotes are anecdotal, and I have included them simply to help paint a picture about the state of the rental market. These are indicative of the types of correspondence my office regularly receives from constituents via phone, email and on social media who are struggling to keep a roof over their head.

Until no grounds evictions are removed from the *Residential Tenancies Act*, renters will be effectively silenced and any improvement on renter’s rights – such as the small concessions won in tranche 1 of the RTA Amendment bill that passed in April this year – will be meaningless.

The Western Australian Labor government has shown no interest in removing no grounds evictions, having voted down amendments I moved on the matter during the committee stage of debate. When asked why during the committee stage of debate, [Commerce Minister Sue Ellery stated](#) they did not want to put in place any changes that may impact supply, despite being able to provide no evidence that ending no grounds evictions would do so.

The other issue to contend with in Western Australia is the use of no grounds evictions by the Western Australian government, through the Housing Authority, to evict public housing tenants into homelessness. The data I’ve received through questions in Parliament indicates that most tenancies terminated by the Housing Authority are either for a rental debt or for no reason at all.

The WA government does not classify court ordered vacates or court-ordered termination notices as evictions, but the reality is when a judge orders a family to leave their home or the Housing Authority terminates someone’s lease, the impact is eviction.

It is also willfully misleading for the government to claim that the only instance in which a tenancy is terminated is if a magistrate is satisfied there has been a breach of the tenancy agreement that has not been rectified. This is not true. At the end of a fixed term public housing tenancy there is no clause requiring any breach, nor any opportunity for the tenant to remedy.

Indeed, when I attempted to amend the Residential Tenancies Act to require a reason for terminating a public housing tenancy, the government refused. It is little wonder; the Western Australian government is the largest landlord in the state, and it continues to evict families from its own public housing tenancies without giving a reason. Western Australia remains the only state where no-grounds evictions are legal for public housing tenants.

No grounds evictions are the single most important renter’s rights reform that must be tackled in all Australian jurisdictions to make our housing system fairer and safer for the growing proportion of Australians who rent.

Yours sincerely,



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