repairs when renting a home

You have the legal right to ask the landlord or agent for repairs. If you have trouble getting the landlord to fix things, there are steps you can take to make sure repairs get done.

what the law says

The landlord has to:
- make sure your rented home is “maintained in good repair” [s68]. This includes anything in the home and any shared areas they own or manage. And it means they cannot refuse to do repairs if there is a real need for them.

The tenant has to:
- tell the landlord if anything needs repair [s62]. Tell them as soon as possible, especially if not fixing the problem could cause more damage. It’s best to tell them in writing and keep a copy.

Urgent or not urgent?
The steps you need to take are different for:

- urgent repairs
- non-urgent repairs.

top tips

1. you have a right to ask for repairs
This is true even for things that were broken before you moved in.

2. do not stop paying rent
And do not use your rent money to pay for repairs. If you don’t pay rent, the landlord might try to evict you for ‘rent arrears’. If the landlord is not fixing things, you can apply to pay your rent to VCAT instead of the landlord until the repairs are done (see Section 77 Rent Special Account).

3. check what is urgent
The law defines what is an urgent repair. These have to be done sooner than other repairs. Check if the repair you need is urgent.

4. tell your landlord or agent – and put it in writing
Many people prefer to report problems in person or over the phone. It is fine to start this way as it is more friendly but it is important to follow up with the same information in writing. You should send a letter or email confirming the things that need to be fixed, that way you have proof that you asked for the repairs. This can help you later if things don’t get fixed.

5. send the right form – to speed things up
You should also send an official notice with your letter or email. Use one of these forms:

   Notice for breach of duty to landlord of rented premises (CAV website)
   Notice to landlord of rented premises (CAV website)

Even if the agent asks you to use their form, you should use one of these as well. We suggest you use the Notice for breach of duty form. It may sound a bit harsh but if you send it now it can help get repairs done sooner, and will also help you later if you want compensation.

6. take photos or videos
Take photos or videos of the problem. Sometimes a video might show the problem better than a photo (like a water leak or a lock that doesn’t work). Send a copy to the landlord or agent when you write to them about the repairs.
7. keep copies for yourself
Keep copies of everything you give the landlord or agent about the repairs, including the forms you use, your letter or email, and the photos or videos you took. It’s important to have proof of what you sent.

8. want to leave because things are not getting fixed?
In most cases you can’t legally end your lease just because the landlord is not doing repairs. If things are not getting fixed there are options to end your lease, but this has to be done properly or you could end up paying expensive lease breaking costs.

9. worried about getting evicted if you ask for repairs?
You cannot be evicted just for asking for repairs. If you get a Notice to vacate and you think it’s in response to you asking for repairs you may be able to challenge it at VCAT. If you do get a Notice to vacate get legal advice as soon as possible. Make sure you have the notice with you when you contact us or your local TAAP service.

10. need compensation?
You have the right to claim compensation for times when your rented home was not in good repair. You have up to 6 years to make a claim. And even if your landlord or agent does not agree to your claim, you do not have to drop it. You have a right to take your claim to VCAT. The more proof you have the more it will help your claim. See compensation.
urgent repairs

For many repairs, the landlord has 14 days to fix the problem after you tell them about it. But for urgent repairs they have to act fast and fix things straight away. If the landlord does not deal with urgent repairs quickly, you can apply to VCAT and they will hear your case in 2 business days.

is it urgent?

urgent repairs are:

- a burst water service
- a blocked or broken toilet
- a serious roof leak
- a gas leak
- a dangerous electrical fault
- flooding or serious flood damage
- serious storm or fire damage
- a failure or breakdown of any essential service or appliance provided for water, hot water, cooking, heating or doing laundry
- a failure or breakdown in any appliance or fitting supplied by the landlord that will result in a large amount of water being wasted
- a failure or breakdown of the gas, electricity or water supply
- a serious fault in a lift or staircase
- any fault or damage that makes the premises unsafe or not secure

what you can do

If it’s on the list you can ask for urgent repairs.
If it’s not on the list you can follow the steps for non-urgent repairs.
And remember – even if you think it’s urgent – if it’s not on the list, it’s not urgent according to the law.

Not sure if it’s on the list?

Sometimes it can be tricky to work out if the repairs you need are on the urgent list. For example, if the stove is not working, it’s an urgent repair. But if only one burner on the stove is not working is it different? The law says that “a failure or breakdown in any appliance provided for cooking” is an urgent repair. So even though part of it is working, the part that isn’t should be treated as urgent.

If you follow the urgent repair steps and apply to VCAT and they don’t agree the problem is urgent they could dismiss your application, meaning you may lose your application money, or they could put it on hold and tell you to follow the non-urgent steps. So, if you’re not sure if something is urgent it’s a good idea to report the problem to the landlord in writing while you’re going through the urgent repair steps. This means you will have at least started the non-urgent process.

The words “serious”, “unsafe” and “not secure” are not defined in the law, so if you think the damage is serious or makes your home unsafe, you should ask for urgent repairs.

If you want proof that it’s “unsafe”, you could ask a licensed tradesperson to do a building or safety inspection and provide a report. In most cases you’ll have to pay for this service. Reports like this can support your case if the repairs aren’t done and you want to go to VCAT later.
asking for urgent repairs

before you start
Check if it is urgent. See above: is it urgent?

step 1. call the landlord or agent
If you need urgent repairs, you must try to contact the landlord or agent.
The landlord or agent should have given you a phone number to call in case of urgent repairs (check your lease – there may be a list of numbers on it or with it). You can also try the regular phone number, in case someone is working late or there’s a message on the agent’s machine on how to deal with urgent repairs after hours.

step 2. keep notes
Keep a list of the telephone numbers, times and dates you called and who you spoke to as well as any other steps you took to contact the landlord or agent, for example email.

  TIP: If calling from a mobile phone, a screenshot of your call log could be a good way to keep records of your calls.

step 3. take photos or video
It’s a good idea to take photos. These can help show what the problem is and can also be useful later if the repairs are not done or things get worse and you need to take further action. Sometimes a video might be more helpful if photos don’t really show what the problem is (like a leaking roof or a lock that doesn’t work).

step 4. write to the landlord
Send an email or letter so there’s something from you in writing about the repairs that are needed as well as how and when you tried to contact them. And if you spoke with your landlord or agent, put in details of what they said they would do.

step 5. check if you can get compensation
You might be able to get compensation from the landlord because they didn’t do the repairs or took too long to do them.

  TIP: If you tell the landlord that you are going to claim compensation, it might even get them to do the repairs sooner.

You can either claim compensation at the same time as asking for the repairs or wait until the repairs are done. To find out if you can get compensation and what you need to do, see compensation.

what happens next?
If you contact the landlord or agent and request urgent repairs, the landlord should act immediately to get the urgent repairs done – even if it’s after hours, a weekend or public holiday.
If the landlord tells you that you have to wait because no-one is available to do the repairs, you can try calling around and let the landlord know if you find a tradesperson who can do them.
If you haven’t been able to contact the landlord or agent or they don’t respond immediately, or they refuse to do the repairs, you have two choices to get things fixed:

  applying to VCAT for urgent repairs
  booking urgent repairs yourself

  TIP: Most of the time we recommend you apply to VCAT to get urgent repairs done. VCAT has to hear your case for urgent repairs in 2 business days.
applying to VCAT for urgent repairs

before you start
Make sure you follow the steps above at asking for urgent repairs.

You can apply to VCAT to order the landlord to do urgent repairs if:
- the repairs are urgent, and
- you have tried to contact the landlord or agent, and
- you couldn’t contact them – or they don’t do the repairs.

step 1. fill in the VCAT application form
Use the General Application form [VCAT website] and make sure you write about:
- what needs to be fixed
- what you want VCAT to do. For example, you want VCAT to make an order that the landlord has to do the repairs by a certain time.

As well as asking for repairs, you can also ask VCAT if you can pay your rent into their “Rent Special Account”. This is a good idea if you’ve been waiting a long time for the landlord to do urgent repairs or if you’ve had problems with the landlord doing repairs before. If VCAT approves this, you keep paying rent but the landlord doesn’t get the money until the repairs are done.

Fees – you may have to pay an application fee. See fees and costs for a VCAT hearing.

Claim details - What do you want VCAT to do?
This section tells the Tribunal and other parties what orders you are wanting the Tribunal to make. For further assistance refer to www.vcat.vic.gov.au/rentingnotice.

Application under the Residential Tenancies Act 1997 ("RTA")
section 73 RTA - urgent repairs
section 77 RTA - rent to VCAT’s rent special account

You must give complete details about your claim so that the respondent is able to understand why you have made the application. If compensation is sought you must set out each amount that is claimed. If you do not provide enough information, your case may be dismissed or adjourned. If you need more space, print clearly on a separate piece of paper and attach to this application.

This application is for urgent repairs to be done to a broken hot water system at my rental property.
I would like VCAT to make an order that the landlord has to immediately fix or replace the hot water system; and
I would like VCAT to make an order that I can pay my rent to VCAT’s Rent Special Account instead of the landlord until the landlord can show VCAT they have fixed or replaced the hot water system.

Timeline:
On 4 February 2019 the hot water system broke down.
On 4 February 2019, at 9:30am, I called my estate agent to report the problem. I was told by the receptionist my managing agent was out and that my message would be passed on. I emailed my agent as well. My call and was not returned, and there was no response to my email.
On 5 February 2019, at 9:30am, I called my estate agent about the problem. My managing agent said they would arrange for someone to come out to fix the hot water service, but this has still not been done.
On 6 February 2019, at 10am, I called my estate agent again, but no-one answered the phone. I also emailed my agent again, but there has been no response to my email.

Attachments:
A copy of a screenshot from my phone of my calls to the estate agent
Copies of my emails to the estate agent
step 2. get your evidence together
Collect all the evidence you have to support your application, such as:

- photos of the repairs needed
- notes about when and how you tried to contact the landlord (dates, times, phone numbers you called, names of people you spoke with, other ways you tried to contact them like email)
- any building or safety reports you may have to prove it's “unsafe”

step 3. make two copies
Make two copies of the filled in application form and all the evidence. You can copy, scan or take photos but make sure the copies are good enough that you can read everything clearly. You will have three sets in total – one for VCAT, one for the landlord and one for you.

step 4. keep copies for yourself
Make sure you keep a copy of the application form and all the evidence for yourself. Keep this safe as you will need it at the hearing.

step 5. take your application to VCAT
When it’s urgent repairs, we recommend you take it in to VCAT. Or if you apply online it will go to VCAT when you submit the form.

Give these things to VCAT:

- the application form, and
- copies of all the evidence

If taking it in person, write down the date, time and name of the person you handed it to. Details of where to take it are on the form.

If you apply online, you should also email VCAT (renting@vcat.vic.gov.au) to let them know your application is urgent because the online system might not be able to tell.

If you can’t do it in person or online, you can send it by express registered post so it can get there as fast as possible. If sending by post, keep your receipt and tracking number.

step 6. give a copy to the landlord
The law requires you to give a copy of the application, and evidence, to the landlord or agent. This is called “service” and VCAT might ask you to prove it has been done.

When it’s urgent repairs, we recommend you hand it to the landlord or agent. It is also the safest way to prove service. Keep a note of the date, time and name of the person you handed it to.

But if you can’t do it in person you can:

- send it by post. We recommend express post or registered express post so it gets there quickly and in time for the hearing (keep your receipt and tracking number).
- email it. Note: some agents do not check their emails very often, or might have put something in your tenancy agreement saying they won’t accept emails, even though the law says you can send a VCAT application by email. So it’s a good idea to check that your email has been received.

step 7. get the hearing details from VCAT
When it’s urgent repairs, VCAT will hear your case within 2 business days.

VCAT will send you a Notice of hearing to let you know when and where the hearing will be. This normally comes by post and you might not get it in time for your hearing. So it’s better to call VCAT the day after you apply to find out when it will be. You should also make sure your landlord knows when it will be.

step 8. get ready for VCAT
Find information and tips:

- The Tribunal (VCAT)
- ‘A Day at the Bench’ (videos and handbook on how to apply and prepare for a VCAT hearing)
what happens next?

If VCAT agrees that the landlord needs to do urgent repairs they will make an ‘order’ which is a legally binding decision about the case.

**Things to check:** If the VCAT Member makes an ‘order’, check with them if they have included the right to renew the application. This means you can take the landlord back to VCAT if they haven’t followed the orders and done the urgent repairs.

**If VCAT orders the landlord to do the repairs,** they must do them immediately or by the date in the order.

You might also be able to ask for compensation from the landlord.
booking urgent repairs yourself

**before you start**
Make sure you follow the steps at asking for urgent repairs.

**You can arrange and pay for urgent repairs yourself, but only if:**

1. the repairs are urgent, and
2. you have tried to contact the landlord or agent, and
3. you couldn’t contact them – or they don’t do the repairs, and
4. they cost less than $1800 (including GST).

**step 1. get quotes**
If you pay for repairs, the landlord only has to pay you back for “reasonable” costs.

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**TIP:** Get two or three quotes to compare prices and make sure you don’t pay too much for repairs.

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**step 2. check GST**
The maximum the landlord has to pay you back for urgent repairs is $1800 including GST. So before you book urgent repairs, check if GST is included.

**step 3. check if you can pay**
If you can’t afford to pay or the repairs cost more than $1800 including GST you can apply to VCAT instead – see above: applying to VCAT for urgent repairs.

**step 4. book the repairs**
If you decide to book someone to do the urgent repairs, we recommend you find a licenced tradesperson. **If you are a licensed tradesperson**, don’t do the repairs yourself unless the landlord has agreed to pay you. The law on urgent repairs says the landlord has to pay you back (up to $1800 including GST) if you pay for urgent repairs. But it is not clear about what happens if you do the repairs yourself. So, if the landlord agrees for you to do the repairs, get it in writing before you do anything. Make sure they include how much they will pay you and when you will be paid.

**step 5. take before and after photos or videos**
Take photos that show the damage before the repair is done and again after the repair is done. Keep these safe in case there are any questions in future. Sometimes a video might be more helpful if photos don’t really show what the problem is (like a leaking roof or a sliding door that doesn’t work).

**step 6. get a receipt or tax invoice**
If you pay for the repairs make sure you get a receipt or tax invoice. Check that it includes the work done and how much you paid.

**what happens next?**
You need to write to the landlord to ask for your money back. See getting your money back for urgent repairs
getting your money back for urgent repairs

**step 1. write a notice to landlord**

We recommend you use the *Notice to landlord of rented premises* form available on the Consumer Affairs website. It includes common reasons and section numbers from the law that you can copy and paste into the form. Then all you have to do is fill in your details, describe the repairs that were done, how much they cost and that the landlord needs to pay this to you.

**TIP:** Using the official form is a good way to make sure you include all important details. And it might get the landlord to reimburse you for the cost of urgent repairs sooner.

**Landlord’s name** – Make sure you write the landlord’s name on the form and not the name of the real estate agent. If you don’t know the landlord’s name check your lease or ask the agent. If you live in public housing the landlord is the “Director of Housing”.

**Landlord’s address** – It’s okay to write the agent’s address on the form.

**Tenant/s name/s** – You can write one or more tenant’s name here.

**Rented premises** – Write the address where the repairs are needed.

**Reason for notice** – At the beginning of the form there are common reasons and section numbers that you can copy and paste into the reason section. Choose the one for “non-urgent repairs”. Then all you have to do is write down the repairs that are needed.

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**Notice to landlord of rented premises**

**From the tenant**

**Landlord details**

1. This notice is given to (landlord’s names):

   *Michael Landy*

2. Landlord’s address (can be an agent’s):

   28 Lord Street
   Melbourne Vic 3000

**Tenant details**

3. Tenant/s name/s:

   *Nell Tennant*

4. Regarding the rented premises at (write address):

   *10 Ants Lane
   Melbourne Vic 3001*

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**Reason for notice**

10. (write the section number and reason, using the words from the page opposite):

   *72 (2) (a) – urgent repairs – reimbursement*

   *I have arranged and paid for urgent repairs to the premises after taking reasonable steps to arrange for them to be carried out by you or your agent*

   *The urgent repairs were for the hot water service and cost $1450*

   *I require you to reimburse me $1450 within 14 days*
step 2. keep copies for yourself
You can copy, scan or take photos of your completed notice to landlord and receipt/tax invoice. Make sure the copies are good enough that you can read everything clearly, and keep them safe in case you need them later.

step 3. give the notice and receipt or tax invoice to the landlord
You can also add copies of before and after photos showing the damage and the repairs. Give these to the landlord or agent as soon as possible so you can get your money back sooner.
We recommend you hand-deliver or send these by registered post. If hand delivering, write down the date, time and name of the person you handed it to. If sending by post, keep your receipt and tracking number.
If you want to notify the landlord or agent by email, there are a few things to watch out for:

- **You can only send notices by email if the landlord or agent has agreed.** So it’s a good idea for you to have something in writing from the landlord or agent that says they agree to you sending notices by email.
- **You can only send notices to the email address they have agreed to.** Because landlords and agents might have more than one email address, it’s important that you have something in writing from them that says exactly which email address you can send notices to.
- **You won’t know if they have received it.** So you can ask them to reply to confirm they have received your email or you could set up a “read-receipt” on the email you send (this can send an automatic reply if they okay it) or you could call them to find out if they have received it.

what happens next?
If you paid for urgent repairs, the landlord needs to pay you back — up to $1800 (including GST) — within 14 days of getting your paperwork.
But if they don’t, you can apply to VCAT to order the landlord to pay. See applying to VCAT to get money back for urgent repairs.

Note: the 14 days starts from when the landlord receives your paperwork — not when the repairs are done. If you send your paperwork by post you will need to allow extra time for delivery. See Australia Post delivery times.
applying to VCAT to get money back for urgent repairs

before you start
Make sure you follow the steps at getting your money back for urgent repairs.

step 1. fill in the VCAT application form
Use the General Application form [VCAT website] and make sure you write about:

- your attempts to get the landlord or agent to do the repairs,
- the urgent repairs that were done,
- how much they cost,
- that it’s been 14 days since you asked the landlord to pay you back, and
- what you want VCAT to do. For example, you want VCAT to make an order that the landlord has to pay you for the cost of the repairs by a certain time.

Fees – you may have to pay an application fee. See fees and costs for a VCAT hearing.

Claim details - What do you want VCAT to do?

This section tells the Tribunal and other parties what orders you are wanting the Tribunal to make. For further assistance refer to www.vcat.vic.gov.au/rentingnotice.

Application under the Residential Tenancies Act 1997 (“RTA”)

section 452 – general application
section 72 – urgent repairs

You must give complete details about your claim so that the respondent is able to understand why you have made the application. If compensation is sought you must set out each amount that is claimed. If you do not provide enough information, your case may be dismissed or adjourned. If you need more space, print clearly on a separate piece of paper and attach to this application.

This application is for reimbursement of money I spent arranging for urgent repairs to be done to my rental property. I would like VCAT to make an order that the landlord has to immediately reimburse me $1,450.00 for urgent repairs to the hot water service arranged for and paid for by me.

Timeline:
On 4 February 2019 the hot water system broke down.
On 4 February 2019, at 9:30am, I called my estate agent to report the problem. I was told by the receptionist my managing agent was out and that my message would be passed on. I emailed my agent as well. My call was not returned, and there was no response to my email.
On 5 February 2019, at 9:30am, I called my estate agent about the problem. My managing agent said they would arrange for someone to come out to fix the hot water service, but this has still not been done.
On 6 February 2019, at 10am, I called my estate agent again, but no-one answered the phone. I also emailed my agent again, but there has been no response to my email.
On 6 February 2019 I arranged for a licensed plumber to fix the hot water service and paid $1,450.00 for the repairs.
On 6 February 2019 I sent a notice to the landlord asking to be reimbursed for the repairs. I have still not been paid.

Attachments:
A copy of a screenshot from my phone of my calls to the estate agent
Copies of my emails to the estate agent
Notice to landlord of rented premises
Tax receipt from the plumber for the repairs
step 2. get your evidence together
Collect all the evidence you have to support your application, such as:

- notice to landlord, receipt or tax invoice and photos or videos
- quotes you got before the urgent repairs were done (to show the amount you paid was reasonable)
- notes about when and how you tried to contact the landlord (dates, times, phone numbers you called, names of people you spoke with, other ways you tried to contact them like email)
- any building or safety reports you may have to prove it’s “unsafe”

step 3. make two copies
Make two copies of the filled in application form and all the evidence. You can copy, scan or take photos but make sure the copies are good enough that you can read everything clearly. You will have three sets in total – one for VCAT, one for the landlord and one for you.

step 4. keep copies for yourself
Make sure you keep a copy of the application form and all the evidence for yourself. Keep this safe as you will need it at the hearing.

step 5. give your application to VCAT
Make sure you give VCAT:

- the application form, and
- copies of all the evidence

You can take these to VCAT in person, send them by post, or apply online. VCAT’s details are on the form. If hand delivering write down the date, time and name of the person you handed it to. If sending by post keep your receipt and tracking number.

step 6. give a copy to the landlord
The law requires you to give a copy of the application, and evidence, to the landlord or agent. This is called “service” and VCAT might ask you to prove it has been done.

TIP: The safest way to prove service is to deliver the application, and evidence, in person, keeping a note of the date, time and name of the person you handed it to.

But if you can’t do it in person you can:

- send it by post or registered post. If sending by registered post keep your receipt and tracking number.
- email it. Note: some agents do not check their emails very often, or might have put something in your tenancy agreement saying they won’t accept emails, even though the law says you can send a VCAT application by email. So it’s a good idea to check that your email has been received.

step 7. get the hearing details from VCAT
VCAT will send you a Notice of hearing to let you know when and where the hearing will be.

If you don’t hear from VCAT, give them a call to find out if they got your application and if they have set a hearing date. If you sent your application by post, make sure you leave enough time for delivery. See Australia Post delivery times.

step 8. get ready for VCAT
Find information and tips:

- The Tribunal (VCAT)
- ‘A Day at the Bench’ (videos and handbook on how to apply and prepare for a VCAT hearing)

what happens next?
If VCAT agrees with your application, they will make an order that the landlord needs to reimburse/pay you for the cost of the repairs.

If VCAT orders the landlord to pay, they must pay you the amount in the order immediately or by the date in the order.
non-urgent repairs

Non-urgent repairs should be done within 14 days of you reporting them to the landlord. If the landlord does not deal with the repairs in this time you can follow the steps below.

asking for non-urgent repairs

before you start
Check if it’s urgent or non-urgent. If it’s urgent you can get repairs done a lot quicker if you follow the steps for urgent repairs.

TIP: Don’t do non-urgent repairs yourself and don’t book anyone else to do non-urgent repairs unless the landlord has agreed to pay for it and you have that in writing – including the amount of money they will pay and when this will be paid.

step 1. contact the landlord or agent – put it in writing
If repairs are needed you need to let the landlord or agent know.
Sometimes all you need to do is make a call and tell the landlord or agent what needs to be fixed. But even if it sounds like things will be fixed without you having to do anything more, we always recommend you follow up in writing. That way you’ll have proof of when you reported the problem in case you need to take further action later.
Some agents might ask you to fill in their maintenance/repair form, and that’s fine provided you get to keep a copy of this.
Otherwise you could send an email or write a letter or use the official Notice to landlord of rented premises or Notice for breach of duty to landlord forms available on the Consumer Affairs website.
Whatever method you use make sure you include:

- what needs to be fixed;
- when you reported the problem (or when you attempted to report it if you couldn’t get in touch with your landlord or agent);
- what the landlord said they would do; and
- make sure you ask for the repairs to be done within 14 days.

Notice to landlord of rented premises

From the tenant

Landlord details
1. This notice is given to (landlord/s names):

Michelle Land

2. Landlord’s address (can be an agent’s):

77 Lord Street
Melbourne Vic 3000

Tenant details
3. Tenant/s name/s:

Teri Tennant

4. Regarding the rented premises at (write address):

10 Ants Lane
Melbourne Vic 3001

Landlord’s copy

Reason for notice
10. (write the section number and reason, using the words from the page opposite):

74 (1) (a) - non-urgent repairs
I require you to carry out repairs to the premises within 14 days
The repairs needed are:

1) repair a broken cupboard door in the kitchen
2) replace some missing tiles in the bathroom
TIP: Using the official form is a good way to make sure you include all important details. And it might get the landlord to do the repairs sooner.

**Landlord’s name** – Make sure you write the landlord’s name on the form and not the name of the real estate agent. If you don’t know the landlord’s name check your lease or ask the agent. If you live in public housing the landlord is the “Director of Housing”.

**Landlord’s address** – It’s okay to write the agent’s address on the form.

**Tenant/s name/s** – You can write one or more tenant’s name here.

**Rented premises** – Write the address where the repairs are needed.

**Reason for notice** – At the beginning of the form there are common reasons and section numbers that you can copy and paste into the reason section. Choose the one for “non-urgent repairs”. Then all you have to do is write down the repairs that are needed.

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**step 2. keep notes**

Keep a list of the telephone numbers, times and dates you called and who you spoke to as well as any other steps you took to contact the landlord or agent, for example a maintenance form, email, Notice to landlord or Notice for breach of duty form or letter.

TIP: If calling from a mobile phone a screenshot of your call log could be a good way to keep a record of your calls.

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**step 3. take photos or video**

**It’s a good idea to take photos.** These can help show what the problem is, and can also be useful later if the repairs are not done, or things get worse, and you need to take further action. Sometimes a video might be more helpful if photos don’t really show what the problem is (like a sliding cupboard door that doesn’t work).

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**step 4. keep copies for yourself**

You can copy, scan or take a photo of anything you want to give to the landlord, such as a letter or notice to landlord form and photos showing the repairs needed. Make sure the copies are good enough that you can read everything clearly, and keep them safe in case you need them later.

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**step 5. give the notice to the landlord**

TIP: Do this as soon as possible

When you are reporting the problem in writing, whether by maintenance form, letter, email or the official forms: *Notice to landlord of rented premises* or *Notice for breach of duty to landlord* (available on the Consumer Affairs website), you should get this to the landlord or agent as soon as possible, along with any photos or other evidence you can provide. The landlord needs to attend to non-urgent repairs within 14 days of being notified of the problem, so the quicker you notify them in writing the better.

We recommend you hand-deliver or send these by registered post. If hand delivering, write down the date, time and name of the person you handed it to. If sending by registered post, keep your receipt and tracking number and allow extra time for delivery. See Australia Post delivery times.

If you want to notify the landlord or agent by email, there are a few things to watch out for:

- **You can only send notices by email if the landlord or agent has agreed.** So it’s a good idea for you to have something in writing from the landlord or agent that says they agree to you sending notices by email.

- **You can only send notices to the email address they have agreed to.** Because landlords and agents might have more than one email address, it’s important that you have something in writing from them that says exactly which email address you can send notices to.

- **You won’t know if they have received it.** So you can ask them to reply to confirm they have received your email or you could set up a “read-receipt” on the email you send (this can send an automatic reply if they okay it) or you could call them to find out if they have received it.

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**step 6. check if you can get compensation**

You might be able to get compensation from the landlord because they didn’t do the repairs or took too long to do them.
TIP: If you tell the landlord that you are going to claim compensation, it might even get them to do the repairs sooner.

You can either claim compensation at the same time as asking for the repairs or wait until the repairs are done. To find out if you can get compensation and what you need to do, see compensation.

**what happens next?**

The landlord must get non-urgent repairs done within 14 days. 

*If the landlord tells you that you have to wait because no-one is available to do the repairs*, you can try calling around and let the landlord know if you find a tradesperson who can do the repairs. 

*If the repairs are not done after 14 days*, or if the repairs done are not good enough, see inspection for non-urgent repairs.
inspection for non-urgent repairs

before you start
Make sure you follow the steps at asking for non-urgent repairs.

step 1. write to Consumer Affairs Victoria
If the repairs aren’t done 14 days after the landlord or agent received your notice, or if the repairs aren’t done to a good enough standard, you can write to Consumer Affairs Victoria to request a free inspection. Use the Request for repairs inspection form available on the Consumer Affairs website.

step 2. make copies
Make a copy of the form and the notices about the repairs that you sent to the landlord. You can copy, scan or take photos but make sure the copies are good enough that you can read everything clearly. You will have two sets – one for you, one for Consumer Affairs.

step 3. keep copies for yourself
Make sure you keep a copy of the form and all the notices for yourself. Keep this safe in case you need them later.

step 4. send request to Consumer Affairs Victoria (CAV)
Details of how to send it are on the form.

TIP: If sending by mail we recommend you send by registered mail and keep your receipt and tracking number.

step 5. make time for an inspection
If your request is approved, an inspector from Consumer Affairs Victoria will contact you to book a time for the inspection. If you don’t hear from them, you can give them a call and ask them to give you an idea of when the inspection will be.

step 6. go to the inspection
It’s important that you or someone who knows about the problem is at the inspection to point out the repairs that are needed, or the inspector might miss some important details.

what happens next?
Consumer Affairs Victoria will send a written report to you and to the landlord about the inspection and their recommendations. They may also contact the landlord or agent to discuss what needs to be done.

If the landlord doesn’t do the repairs recommended by the Inspector, you can apply to VCAT to order the landlord to do repairs. See applying to VCAT for non-urgent repairs.

You have 60 days from when you receive the report to apply to VCAT.
applying to VCAT for non-urgent repairs

before you start
Make sure you follow the steps at asking for non-urgent repairs and inspection for non-urgent repairs.

step 1. wait for the inspection report
You can apply to VCAT within 60 days of getting the written report from Consumer Affairs, and the repairs still aren’t done. But you can apply without the report if it’s 90 days or more since you requested the inspection.

step 2. fill in the VCAT application form
Use the General Application form [VCAT website] and make sure you write about:

- what needs to be fixed
- what you want VCAT to do. For example, you want VCAT to make an order that the landlord has to do the repairs by a certain time.

As well as asking for repairs, you can also ask VCAT if you can pay your rent into their “Rent Special Account”. This is a good idea if you’ve been waiting a long time for the landlord to do repairs or if you’ve had problems with the landlord doing repairs before. If VCAT approves this, you keep paying rent but the landlord doesn’t get the money until the repairs are done.

Fees – you may have to pay an application fee. See fees and costs for a VCAT hearing.

Claim details - What do you want VCAT to do?
This section tells the Tribunal and other parties what orders you are wanting the Tribunal to make. For further assistance refer to www.vcat.vic.gov.au/rentingnotice.*

Application under the Residential Tenancies Act 1997 (“RTA”)
section 75 RTA - non-urgent repairs
section 77 RTA - rent to VCAT’s rent special account

You must give complete details about your claim so that the respondent is able to understand why you have made the application. If compensation is sought you must set out each amount that is claimed. If you do not provide enough information, your case may be dismissed or adjourned. If you need more space, print clearly on a separate piece of paper and attach to this application.*

This application is for the following repairs to be carried out at my rental property:
- a kitchen cupboard is loose on its hinges and needs to be fixed;
- there are five tiles missing over the vanity in the bathroom that need to be replaced.

I would like VCAT to make an order that the landlord has to do these repairs immediately, and also an order that I can pay my rent to VCAT’s Rent Special Account instead of the landlord until the landlord show VCAT they have carried out these repairs.

Timeline:
On 5 March 2019 I called the agent to ask for the repairs, and followed up later that day with an email of a Notice to Landlord form asking for non-urgent repairs under section 74(1)(a). The agent said they would arrange for the repairs to be done, but this hasn’t been done yet.
On 18 March 2019 I sent Consumer Affairs a Request for Repairs Inspection form. On 21 March 2019 Consumer Affairs inspected the rental property. I received their report on 25 March 2019. I called the agent on the 26 March 2019 to ask when the repairs would be done, I was not given any answer to this and the repairs still haven’t been done.

Attachments:
A copy of a screenshot from my phone of my calls to the estate agent
A copy of my email to the agent and Notice to Landlord form
A copy of the Consumer Affairs Non-Urgent Repairs Report
Photos of the repairs needed
step 3. get your evidence together
Collect all the evidence you have to support your application, such as:

- the Consumer Affairs report
- photos of the repairs needed
- notes about contact you’ve had with the landlord or agent (for example, emails, telephone calls, who you spoke to and what they said they’d do)
- any other evidence you may have to show what needs to be repaired

step 4. make two copies
Make two copies of the filled in application form and all the evidence. You can copy, scan or take photos but make sure the copies are good enough that you can read everything clearly. You will have three sets in total – one for VCAT, one for the landlord and one for you.

step 5. keep copies for yourself
Make sure you keep a copy of the application form and all the evidence for yourself. Keep this safe as you will need it at the hearing.

step 6. give your application to VCAT
Give these things to VCAT:

- the application form, and
- copies of all the evidence (make sure this includes the report from Consumer Affairs)

You can take these to VCAT in person, send them by post, or apply online. VCAT’s details are on the form. If hand delivering write down the date, time and name of the person you handed it to. If sending by post keep your receipt and tracking number.

step 7. give a copy to the landlord
The law requires you to give a copy of the application, and evidence, to the landlord or agent. This is called “service” and VCAT might ask you to prove it has been done.

TIP: The safest way to prove service is to deliver the application, and evidence, in person, keeping a note of the date, time and name of the person you handed it to.

But if you can’t do it in person you can:

- **send it by post or registered post.** If sending by registered post keep your receipt and tracking number.
- **email it.** Note: some agents do not check their emails very often, or might have put something in your tenancy agreement saying they won’t accept emails, even though the law says you can send a VCAT application by email. So it’s a good idea to check that your email has been received.

step 8. get the hearing details from VCAT
VCAT will send you a Notice of hearing to let you know when and where the hearing will be.

If you don’t hear from VCAT after a few days, give them a call to find out if they have set a hearing date.

step 9. get ready for VCAT
Find information and tips:

- The Tribunal (VCAT)
- ‘A Day at the Bench’ (videos and handbook on how to apply and prepare for a VCAT hearing)
what happens next?
If VCAT agrees that the landlord needs to do repairs they will make an ‘order’ which is a legally binding decision about the case.

Things to check: If the VCAT Member makes an ‘order’, check with them if they have included the right to renew the application. This means you can take the landlord back to VCAT if they haven’t followed the orders and done the repairs.
If VCAT orders the landlord to do the repairs, they must do them immediately or by the date in the order. You might also be able to ask for compensation from the landlord.

related pages
- breach of duty notices
- claiming compensation
- the tribunal (VCAT)
- air-conditioner repairs

the law
Residential Tenancies Act 1997 (AustLII website)
Section 3 – Definition of urgent repairs
Section 68 – Landlord must keep property in good repair
Section 72 – Tenant can arrange urgent repairs
Section 73 – Application to VCAT for urgent repairs
Section 74 – Investigate need for non-urgent repairs
Section 75 – Application to VCAT for non-urgent repairs
Section 76 – VCAT orders for non-urgent repairs
Section 77 – Payment of rent into Rent Special Account

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This information is a guide only and should not be used as a substitute for professional legal advice.
The information on this page relates to existing periodic tenancy agreements and short fixed-term tenancy agreements (for fixed term periods of less than 5 years). The information is current as of the date of publication, but may be subject to change with future amendments to the laws relating to rental properties. If you are unsure what laws apply to you, you should seek legal advice.