

Protecting yourself & others from coronavirus

Changes to residential tenancies in Tasmania due to the COVID-19 emergency



This interim information is based on what is currently known about coronavirus (COVID-19) and the current situation in Tasmania. The Tasmanian Government will update interim information as needed and as additional information becomes available. Visit www.coronavirus.tas.gov.au for the latest information.

This Fact Sheet has been developed to assist people to understand the changes to residential tenancies with the introduction of the COVID-19 Disease (Emergency Provisions) Act 2020 (the Act).

Immediate halt to termination by notice to vacate

Any notice to vacate issued by an owner to a tenant is of no effect until **30 June 2020**.

This applies to a notice to vacate which has been issued to a tenant, where the tenant is yet to vacate.

Tenants need to continue to pay rent during this period. If a tenant is unable to pay their rent, they should talk to their property owner about a rent reduction.

This measure will be reviewed after **90 days** and may be extended.

Other measures put in place during the emergency period

The Act changes parts of the *Residential Tenancy Act 1997* for an emergency period. The emergency period exists for **120 days** from the date the Act commences with the ability for the Minister to extend the period by **90 days** at a time.

Reduction of rent by mutual agreement

During the emergency period owners and tenants can come to an agreement to reduce the rent.

This agreement should be:

- in writing and
- signed by both parties

Any agreement will be taken to form part of the residential tenancy agreement.

Breaking a lease due to severe hardship

Tenants or owners can apply to break a fixed term lease if its continuation would cause severe hardship to the tenant.

The Commissioner may make an order as to whether the continuation of the agreement would cause severe hardship to the tenant. The Commissioner's order can be appealed to the Magistrates Court within seven days following the order being made.

An order will take effect on the day after the end of the seven day appeal period.

To make an application visit www.cbos.tas.gov.au.

Delay to evictions due to rent in arrears

There will be a suspension of evictions for tenants relating to rent in arrears. This means during the emergency period:

- owners will not be able to issue a notice to vacate for rent in arrears
- a notice to vacate given before the emergency period begins will have no effect if the tenant has not yet vacated.

This will suspend all evictions due to rent arrears, including those currently before the courts.

At the end of the emergency period, a property owner will be able to issue a notice to vacate and recover the rent in arrears, if the tenant is still in breach of their agreement, in the normal way. A property owner will be able to recover any outstanding rent from the tenant's bond or, in the event the amount exceeds the Bond, through civil proceedings, just as they are able to do now.

The Government's strong advice to tenants is to continue to pay rent where they can afford to as these emergency period amendments do not provide for a rent holiday.

Visit www.cbos.tas.gov.au to find out more.

General repairs and maintenance

During the emergency period general repairs and maintenance will not be required to be done. This reduces the need for tradesman to enter rental properties during the emergency period helping to reduce any risk of COVID-19 infection.

There is no change to emergency or urgent repairs as these are necessary to ensure the health and safety of tenants.

Limiting of inspections

Whilst there is an emergency period in place, inspections will be limited to those for:

- urgent or emergency repairs
- other limited circumstances

Other limited circumstance may include, but not be limited to:

- if the owner believes there is a risk to the health and safety of the tenant, or
- that not gaining access will result in damage to the premises.

How can I stay updated?

Advice is changing frequently as the COVID-19 situation evolves in Tasmania. Please refer to the following websites for the latest information:

- Australian Government Department of Health – www.health.gov.au
- Tasmanian Government Coronavirus website – www.coronavirus.tas.gov.au
- Official public health information – www.health.tas.gov.au/coronavirus

You can also call the following numbers if you need help or more information:

Tasmanian Public Health Hotline – 1800 671 738

National Coronavirus Health Information Line – 1800 020 080