

RESIDENTIAL TENANCY FACT SHEET

Notices to Increase Rent

Version 1.1

Residential Tenancy Act 1997 requirements:

- Section 20 of the *Residential Tenancy Act 1997* (the Act) says rent can be increased if:
 - the lease contains a provision enabling the rent to be increased; and
 - the landlord gives the tenant written notice about the increase; and
 - it will be at least 12 months since the lease was commenced, extended or renewed or since any last rent increase.
- For a notice of rent increase to be valid, the notice must:
 - specify the amount of the increase and the day from which it will commence; and
 - be given to a tenant at least 60 days prior to the increase starting.

Impacts of COVID-19:

- Section 22 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (COVID-19 Act) enabled the Minister to declare that, by Emergency Notice, rent payable under residential tenancy leases could not be increased during the COVID-19 Emergency Period of 23 April 2020 to 31 January 2021.
- There were two Emergency notices pursuant to the COVID-19 Act, stating that rent increases under residential tenancy leases were not allowed and were of no effect during the Emergency Period.
- There may be some concern about the validity of any notice issued during, or before (but to come into effect during) the emergency period.

What to do now:

- To avoid confusion or dispute between landlords/agents and tenants:
 - notices to increase rent that were issued during the Emergency Period; and
 - notices to increase rent where an increase was due to come into effect during the Emergency Periodshould be reissued after 31 January 2021, in accordance with section 20 of the Act.
- If tenants believe a rent increase is invalid or unreasonable, they may:
 - apply to the RTC for an Order assessing the increase, or
 - reach agreement with the landlord/agent about any increased rent paid following a notice issued during, or before (but to come into effect during) the emergency period; or
 - seek legal advice in relation to a notice issued during, or before (but to come into effect during) the emergency period.

This document has been produced and published by the Consumer Building and Occupational Services Division of the Department of Justice. Although every care has been taken in the production of the work, no responsibility is accepted for the accuracy, completeness, or relevance to the user's purpose, of the information. Those using it for whatever purpose are advised to verify it with the relevant government department, local government body or other source and to obtain any appropriate professional advice. The Crown, its officers, employees and agents do not accept liability however arising, including liability for negligence, for any loss resulting from the use of or reliance upon the information and/or reliance on its availability at any time.