
CONSUMER PROTECTION

CP301*

Residential Tenancies Act 1987

**Residential Tenancies Amendment
Regulations 2015**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Residential Tenancies Amendment Regulations 2015*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette* (**gazettal day**);
- (b) regulations 3, 4 and 5 — on the day after gazettal day;
- (c) regulation 6 — on the 7th day after gazettal day;
- (d) regulations 7 and 9 — on the 30th day after gazettal day;
- (e) regulation 8 — on the 60th day after gazettal day.

3. Regulations amended

These regulations amend the *Residential Tenancies Regulations 1989*.

4. Regulation 5AB amended

In regulation 5AB:

- (a) in paragraph (b)(iii) delete “sub-let.” and insert:

sub-let;

- (b) after paragraph (b) insert:

- (c) a residential tenancy agreement if —

- (i) the agreement is renewed or extended;
and
- (ii) there has been no change to the parties to the agreement; and
- (iii) any material changes to the agreement are agreed in writing between the parties to the agreement.

5. Regulation 5BA inserted

After regulation 5A insert:

5BA. Exemptions from section 29(8) of the Act

Under section 6(a) of the Act it is provided that section 29(8) of the Act does not apply in relation to a residential tenancy agreement if the application form referred to in Schedule 1 clause 5(1)(a) is signed by the tenant in the following circumstances —

- (a) either —
 - (i) there has been a decrease in the rent payable under the agreement; or
 - (ii) a bond has been collected from the tenant in relation to a pet that the tenant was permitted to keep on the premises and the pet is no longer being kept on the premises;
- (b) the sole purpose for the tenant signing the form is to effect payment to the tenant of only part of the security bond paid in relation to the agreement;
- (c) at the time the application form is signed by the tenant the form includes details of the amount to be paid to the tenant.

6. Regulation 7D replaced

Delete regulation 7D and insert:

7D. Modified application of section 70A of the Act for Foyer Oxford

- (1) In this regulation —

Foyer Oxford means the premises of that name located at 196 Oxford Street, Leederville, Western Australia.
- (2) This regulation applies to a residential tenancy agreement that —
 - (a) creates a tenancy in respect of a residential unit in Foyer Oxford for a fixed term of 6 weeks or less; and
 - (b) is not the renewal or extension of an agreement; and
 - (c) is entered into between a tenant and Foundation Housing Limited.

- (3) Under section 6(a) of the Act it is provided that section 70A of the Act shall apply to a residential tenancy agreement as if section 70A(3) were modified by deleting “30 days” and inserting:

7 days

7. Schedule 4 Form 1AA amended

- (1) In Schedule 4 Form 1AA Part A before “**TERM OF AGREEMENT**” insert:

Giving of notices and information by electronic means

Indicate below for each of the following persons whether the person agrees to notices and information being given by email or facsimile under the *Electronic Transactions Act 2011*.

Lessor

Email: Yes /No Facsimile: Yes /No

[insert email address or facsimile number if different from contact details above]

Tenant(s)

Email: Yes /No Facsimile: Yes /No

[insert email address or facsimile number if different from contact details above]

Lessor’s property manager

Email: Yes /No Facsimile: Yes /No

[insert email address or facsimile number if different from contact details above]

- (2) In Schedule 4 Form 1AA Part B:
 (a) delete clause 46 and insert:

46. The lessor agrees that if the lessor or the property manager applies to the Bond Administrator for all or part of the security bond to be released to the lessor, the lessor or property manager will provide the tenant with evidence to support the amount that the lessor is claiming.

- (b) in clause 49 delete “terminated” insert:

terminated, the rent to be paid under the tenancy agreement is decreased or a pet is no longer kept at the premises,

(c) after clause 50 insert:

NOTICES

- 51A. A notice under this agreement must be given:
- 51A.1 in the prescribed form; or
 - 51A.2 if there is no prescribed form but there is an approved form — in the approved form; or
 - 51A.3 if there is no prescribed form or approved form — in writing.
- 51B. A notice from the tenant to the lessor may be given to the property manager or the lessor's agent.
- 51C. A notice under this agreement may be given to a person:
- 51C.1 by giving it to the person directly; or
 - 51C.2 if an address for service for the person is given in the agreement — by posting it to, or leaving it at, the address for service; or
 - 51C.3 if the person has agreed under Part A to the electronic service of notices — by sending the notice to the email address or facsimile number given in Part A.
- 51D. A person may withdraw his or her consent to a notice being given to the person by email or facsimile by giving a notice to that effect to each other party to the agreement.

8. Schedule 4 Form 1AB amended

- (1) In Schedule 4 Form 1AB Part A before “**TERM OF AGREEMENT**” insert:

Giving of notices and information by electronic means

Indicate below for each of the following persons whether the person agrees to notices and information being given by email or facsimile under the *Electronic Transactions Act 2011*.

Lessor

Email: Yes /No Facsimile: Yes /No

[insert email address or facsimile number if different from contact details above]

Tenant(s)

Email: Yes /No Facsimile: Yes /No

[insert email address or facsimile number if different from contact details above]

(2) In Schedule 4 Form 1AB Part B:

(a) delete clause 51 and insert:

51. The lessor agrees that if the lessor or the property manager applies to the Bond Administrator for all or part of the security bond to be released to the lessor, the lessor or property manager will provide the tenant with evidence to support the amount that the lessor is claiming.

(b) in clause 54 delete “terminated” insert:

terminated, the rent to be paid under the tenancy agreement is decreased or a pet is no longer kept at the premises,

(c) after clause 54 insert:

NOTICES

55A. A notice under this agreement must be given:

55A.1 in the prescribed form; or

55A.2 if there is no prescribed form but there is an approved form — in the approved form; or

55A.3 if there is no prescribed form or approved form — in writing.

55B. A notice under this agreement may be given to a person:

55B.1 by giving it to the person directly; or

55B.2 if an address for service for the person is given in the agreement — by posting it to, or leaving it at, the address for service; or

55B.3 if the person has agreed under Part A to the electronic service of notices — by sending the notice to the email address or facsimile number given in Part A.

55C. A person may withdraw his or her consent to a notice being given to the person by email or facsimile by giving a notice to that effect to each other party to the agreement.

9. Schedule 4 Form 1AD amended

In Schedule 4 Form 1AD under the heading “**STANDARD TERMS APPLICABLE TO ALL RESIDENTIAL TENANCY AGREEMENTS**”:

(a) delete clause 45 and insert:

45. The lessor agrees that if the lessor or the property manager applies to the Bond Administrator for all or part of the security bond to be released to the lessor, the lessor or property manager

will provide the tenant with evidence to support the amount that the lessor is claiming.

(b) in clause 48 delete “terminated” insert:

terminated, the rent to be paid under the tenancy agreement is decreased or a pet is no longer kept at the premises,

(c) after clause 49 insert:

NOTICES

50A. A notice under this agreement must be given:

50A.1 in the prescribed form; or

50A.2 if there is no prescribed form but there is an approved form — in the approved form; or

50A.3 if there is no prescribed form or approved form — in writing.

50B. A notice from the tenant to the lessor may be given to the property manager or the lessor’s agent.

50C. A notice under this agreement may be given to a person:

50C.1 by giving it to the person directly; or

50C.2 if an address for service for the person is provided by the person — by posting it to, or leaving it at, the address for service; or

50C.3 if the person has agreed in writing to the service of notices by email or facsimile — by sending the notice to the email address or facsimile number provided by the person.

50D. A person may withdraw his or her consent to a notice being given to the person by email or facsimile by giving a notice to that effect to each other party to the agreement.

N. HAGLEY, Clerk of the Executive Council.
