

1.03 The Residential Tenancies Act

What is the *Residential Tenancies Act 1987*?

The *Residential Tenancies Act 1987* (WA) ('RTA') is legislation that sets out the rights and responsibilities of tenants and property owners/agents in Western Australia. The RTA commenced on October 1, 1989. Various amendments have been made to the RTA. The *Residential Tenancies Regulations 1989* (WA) contain various prescribed forms.

The RTA sets out:

- Who is and isn't covered by the Act;
- Who is responsible for administering the Act;
- Where and how disputes are determined;
- Rights and obligations of the owner and the tenant; and
- How tenancy agreements may be terminated.

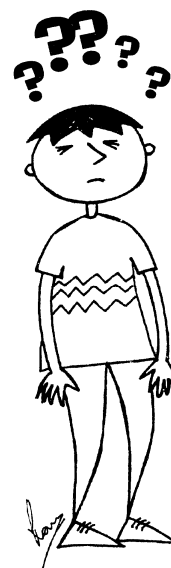
See the relevant chapters in the *Tenants' Rights Manual* for further information.

Definition of terms

Section 3 of the RTA explains how many of the key terms in the Act are defined and to be interpreted. For example, a residential tenancy agreement is defined as:

"Any agreement, whether express or implied (written or verbal), under which any person (generally the owner or his/her agent) for valuable consideration (this generally means, but is not limited to, rent) grants to another person (the tenant) a right to occupy, whether exclusively or otherwise, any residential premises, or part of residential premises, for the purpose of residence".

See chapter [2.08 The Tenancy Agreement](#) for more information.



Who is covered by the RTA?

People with a residential tenancy agreement renting private residences, public housing (Department of Housing), or community housing in Western Australia are covered by the Act.

Those not covered by the Act include, but are not limited to: students living in educational institutional or college housing, hospital or nursing home residents, boarders and lodgers, people living in holiday accommodation or accommodation for holiday purposes, and aged people's housing (RTA section 5).

The *Residential Parks (Long Stay Tenants) Act 2006 (WA)* ('Parks Act') applies to long stay tenants who reside in park homes, lifestyle villages and caravan parks. You are covered by the Parks Act if you have a

- periodic on-site home or site-only agreement for 3 months or more; or
- fixed term on-site home or site-only agreement that is entered into, renewed or extended after the commencement of the Parks Act.

The Parks Act does not apply to:

- holiday makers
- employees of the caravan park living on site
- retirement villages
- strata titled caravan parks
- those who are on a written fixed term agreement commenced prior to the Parks Act coming into force.

For more information on how the *RTA* differs for these groups see chapters:

- [1.04 Department of Housing Tenants](#),
- [1.09 Boarders and Lodgers](#), and
- [1.10 Shared Tenancies](#)
- [7.01 Residential Parks \(Long Stay Tenants\) Act 2006 \(WA\)](#)

Contact Tenants Advice Service for more information.

How do I resolve disputes with the owner/agent?

You should try to resolve a dispute with the owner/agent by yourself. If you can't come to an agreement, or if the owner/agent refuses to do something they are required to do under the *RTA*, you can apply for a Performance Order from the Magistrates Court. Alternatively, a government authority might have powers to order the owner to do certain things which would fix the problem. For example, Western Power can order the owner to fix electrical problems.

See chapters

- [3.09 When the Owner is in Breach of the Agreement](#),
- [3.10 Requesting that the Owner Remedy a Breach of the Agreement](#),
- [3.13 Writing a Letter to the Owner/Agent](#),
- [6.01 Seeking a Performance Order From the Magistrates Court](#)
- [6.03 Going to Court](#),

and other sections in *TAS' Tenants' Rights Manual* for further information on how to resolve disputes.