



## **WA RENTERS SURVEY 2022:**

### **PRELIMINARY FINDINGS ON THE IMPACT OF 'NO REASON' EVICTIONS FOR WA RENTERS**

**October 2022**

## Overview

This report is a preliminary summary of data from the Make Renting Fair 2022 Survey, with seven key findings relating to the experience of insecure tenure and 'no reason' evictions.

The data shows that 1 in 4 renters in West Australia have experienced a 'no reason' eviction or the threat of eviction within the past 12 months, and that the fear of eviction without any reason is leaving tenants too scared to assert their rights to repairs, maintenance and even privacy.

### Finding 1: WA's renter profile is extremely insecure

The 2022 Renters Survey, which is still in the field, had more than 200 respondents as of 6 October 2022.

Of these, almost one quarter (24 per cent) were on rolling, periodic leases, which can be ended without reason with 60 days notice, and more than half (53 per cent) reported being on short term 12-month fixed term tenancies that can be ended without reason. Just 4 per cent had a fixed term lease of 2 years, and only 2 per cent were on a fixed term of 5 years or more. **(Fig 1)**

#### How long is your current lease?

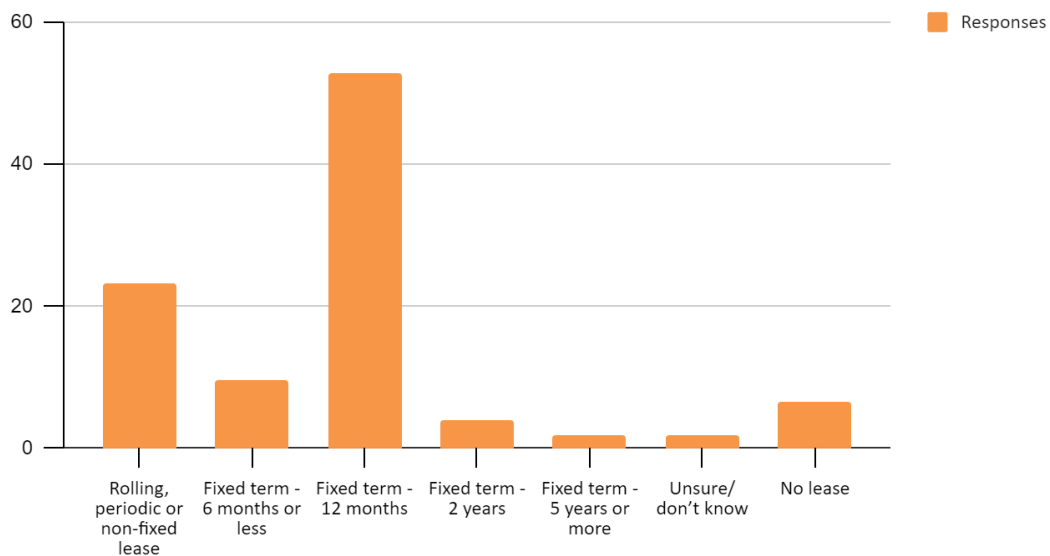


Fig 1: Length and type of current lease (Qu.12)

## Finding 2: Experience of, and fear for unfair evictions is significant

The survey found almost one in four respondents (22 per cent) had received a notice of eviction within the past 12 months. (Fig 2)

In the last twelve months have you experienced any of the following?

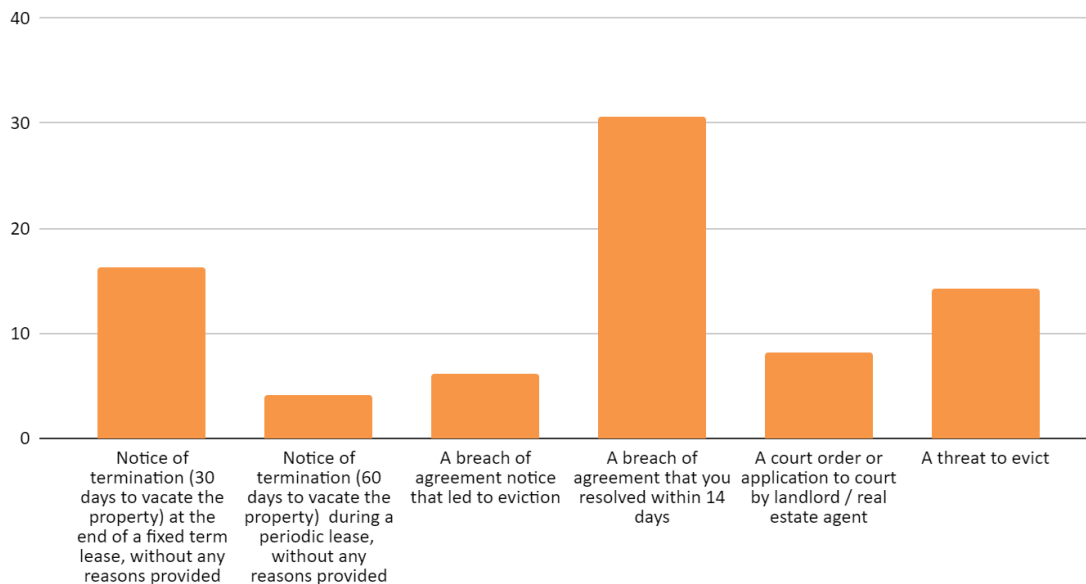


Fig 2. Experience of evictions or threat of evictions in the last twelve months (Qu. 32)

Of these:

- 20 per cent were 'without reason' evictions; which includes both receiving a notice of termination at the end of a fixed term lease without any reasons provided, or receiving a notice of termination during a periodic lease, with no reason; and
- 14 per cent reported they had been threatened with eviction within the past year.

One respondent said:

*"It turned our life upside down. We had lived there for four and a half years and we hoped to live there much longer. We started looking for a new house as soon as we got the 60 days notice, but even then we were homeless for two months. Meg 6101*

Another said:

*"Threatening to evict us has been so stressful because we have nowhere to go and unsupportive family. My partner is transgender and we are both queer so going home to family isn't an option. We spent three weeks in 2020 homeless and living in car after our last landlord sold the property unexpectedly. We are worried about being homeless and we both work two jobs while studying full time to keep up with payment for this rental." Kay 6053*

Another described:

*“After 5 years we were thrust into a chaotic rental market. I haven’t slept for a month, I have anxiety and we were making back up plans to live in an industrial location (workshop) if we weren’t successful in finding a new place.” Vanessa 6052*

Another said:

*“Terrifying and extremely stressful, I was advised after I had agreed to stay another 12 months and then given 60 days notice. Perth market is horrendous at moment and had to increase budget by \$100 to find something safe and decent which also had to be accepted immediately to secure so paying double rent.” Diane 6027*

Almost one in three (31 per cent) reported they’d received a breach of agreement that they resolved within 14 days, with many examples provided from respondents showing breaches are often served flippantly or due to administrative issues, rather than the tenant actually doing anything wrong, which is extremely stressful for renters.

This is particularly relevant for breach notices served for very minor issues; further evidence that real estate agents and housing providers use these notices and the associated threat of eviction as basis to force compliance with often unreasonable demands or expectations.

For example, one respondent said:

*“I kept getting breach notices because we were washing our car on the lawn when the owner drove by.”*

Another reported:

*“I have tried to get the rent 14 days in advance but they take water bills out of my rent that makes rent day two behind all the time so I get late rent letters every fortnight and also some 14 days notices.”*

When asked about their experience overall, more than one in six (15 per cent) had been evicted without any reason at least once over their entire history as a renter.

When describing the impact of ‘without reason’ evictions they’d experienced, respondents said:

*“Mentally, it killed me. I’ve never missed a payment not had any issues. The house is still vacant after 13 months.” Cilsey 6054*

*“Had to find another rental at short notice and move after only living in dwelling for 6 months (12 month lease) very hard doing on your own with chronically ill child.” Sally 6157*

### **Finding 3: Fear of without reason eviction translates to renters too scared to assert their rights**

The survey also asked renters about their experience of making a request for repairs or maintenance in their current rental, and found:

- 37% were concerned the request could get them evicted

- 63% were somewhat or very concerned the request might make the landlord less likely to renew their lease
- 68% were concerned the request would be stressful, and
- 62% were concerned the request would be ignored (Fig 3)

When considering whether to make a request for repairs or maintenance in your current rental, how concerned would you be about the following?

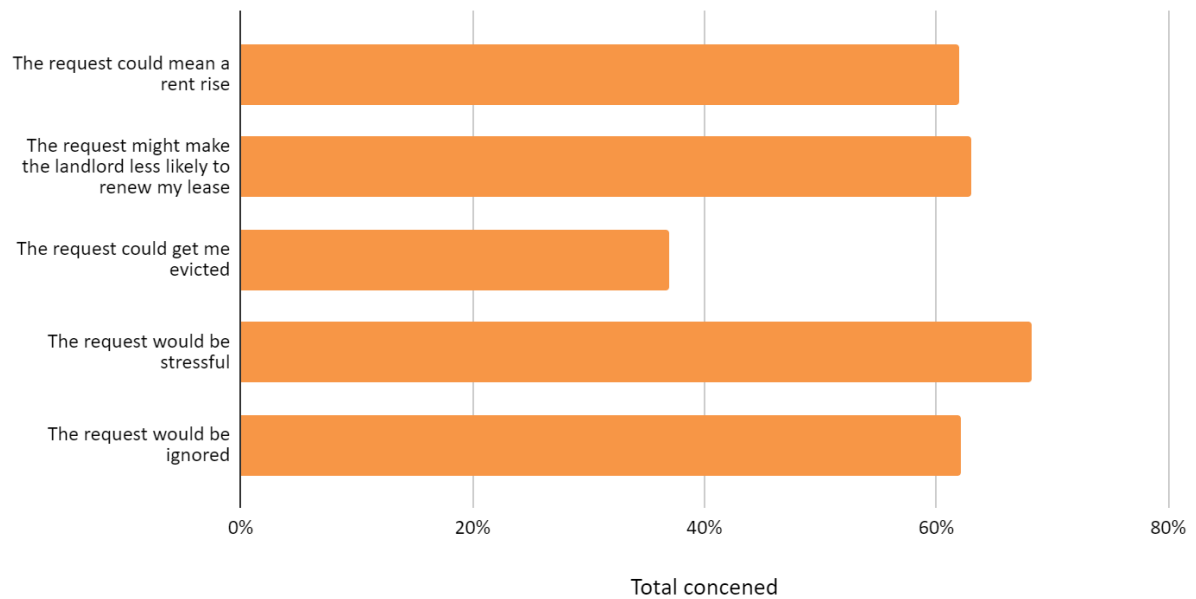


Fig 3: Renters' concerns with making a request for repairs or maintenance (Qu.27)

These findings demonstrate what the Make Renting Fair campaign believes to be an underreported but significant 'knock on effect' of WA's current laws which allow tenants to be evicted without reason: just knowing that the landlord has the option to evict them without any reason results in huge insecurity and uncertainty for tenants, with the fear of eviction leaving a large number of tenants too scared to assert their rights.

One respondents said:

*"I have not lodged a request to have some things repaired and have not lodged a complaint about issues I have reported not being fixed as I am concerned about my rental reference or potential eviction. I have a pet (cat) and am afraid I will be rejected from rentals if I am every unable to live in my current rental for whatever reason."*

Another said:

*"The Regional Manager is a bully and when you ask for a repair you get "Maybe you should move out" and lies placed on my file in writing. His letters are nasty and turn the problem around on you. He never addresses the outstading repairs, or ongoing breaches including safety breaches and puts in writing that I send too many emails all becасue the repairs, tripping hazzards, safety issues and urgent disability modifications have been blatantly ignored. This*

*leaves me feeling victimised, lies placed on my file, bullied, threatened, upset, stressed and intimidated, sleepless nights and totally disrespected.” Diana 6148*

When asked about their entire history as a renter, almost half of all renters surveyed (44 per cent) reported they had been too scared to report an issue with their property or the landlord or real estate agent for fear of eviction or receiving a poor reference.

The absence of minimum standards combined with extremely insecure tenure translates to an overwhelming number of renters too scared to assert their rights to a well maintained home.

#### **Finding 4: The experience of retaliatory eviction is significant**

The issue of retaliatory eviction also came through strongly in the survey results. 16 per cent of survey respondents reported they had a lease not renewed due to a request of their landlord during the tenancy.

#### **Finding 5: The fear of no reason eviction is forcing tenants to live in homes with significant health and safety issues**

Preliminary findings from the Renters Survey also revealed many renters were living with significant health, safety and comfort issues. When asked about their current rental,

- 56% had issues with leaks, dampness or mould
- 49% had experienced issues with locks, doors and windows
- 55% had difficulty keeping the property cool or warm
- 32% had issues with hot water
- 31% reported storm or rain damage
- 27% reported a lack of fly screen
- 17% reported major structural repairs were needed
- 39% had to pay or fix things themselves **(Fig 4)**

In the last twelve months have you experienced any of the following issues? (you can select all that apply)

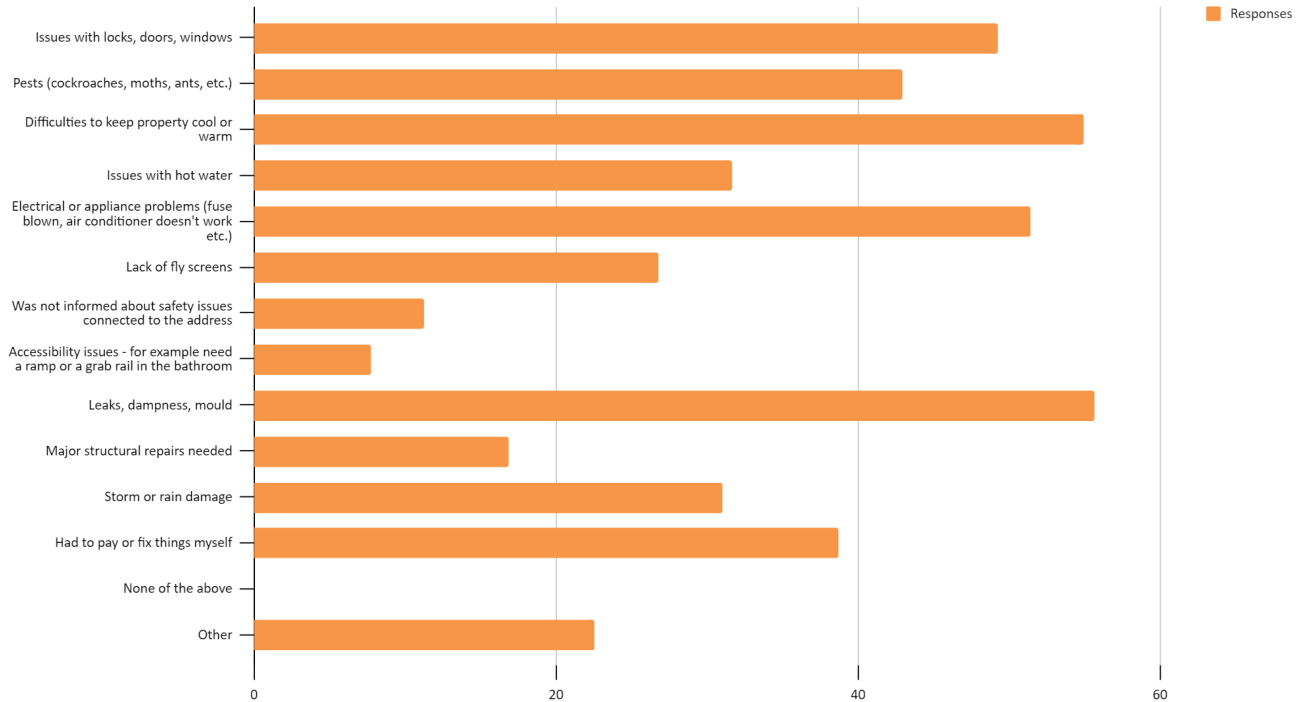


Fig 4: Issues experienced in renter’s current rental, in last twelve months (Qu. 25)

One respondent said:

*“Had rats in the roof space. I had to pay for the pest control”*

Another said:

*“The drainage for the downpipes floods the lawn, which in turn, kills the lawn. Then we get in trouble for the lawn not growing to the real estates expectation.”*

Another reported:

*“We complained about our air con blowing hot air in the middle of summer. We had a 2 year lease and they took us to court, dismally trying to evict us for not having the retic on daily. After a lot of stress and court hearings, the magistrate told the nasty old owner to stop wasting the court’s time and that he (the magistrate) had real criminals to deal with. We no longer felt comfortable with his ongoing threats and intimidation, we had gas leaks, stove did not work, toilet did not flush, severe silverfish infestation, mould issues, mould got on everything, leaking water and resultant \$400 water bills, dodgy doors that did not lock properly, trying to take our bond money, bad references given just because we asked for repairs for inhumane conditions, RCD constantly tripping and not doing anything about it, trying to deduct old 40 year old lino from our bond and tattered faded old rags (curtains) even the bin would reject. They are just criminals the lot of them. So many bad experiences and they (Real Estates) are bullies and underhanded. They think your bond money is for them to upgrade the owners house and lie just to steal your bond money, what crooks. Very bad experiences and nightmares. Years on it still makes you feels sick. Almost*

*like Post Traumatic Stress Disorder. My housemate nearly committed suicide over it last time. The Residential Tenancies Act needs to be overhauled to protect tenants”*

## **Finding 6: Tenants to scared to enforce the right to quiet enjoyment and privacy**

One concerning issue that emerged in the survey findings was in relation to the right to quiet enjoyment and privacy. A number of respondents reported living in homes where significant breaches by landlords of their right to quiet enjoyment and privacy were occurring but were too scared to take action on.

One such right to privacy relates to the frequency of inspections currently allowed under WA tenancy laws. The survey found 61% of respondents are having a rental inspection *every three months*, which is currently allowed in WA tenancy laws but is largely considered overly onerous, unnecessary and an invasion of privacy by tenant advocates and a majority of respondents.

When asked about the frequency and purpose of rent inspections, the survey found:

- 54% feel stressed or anxious about the frequency of inspections
- 51% feel anxious about the landlord taking photos or videos during the inspection
- 39% I feel anxious about the landlord looking through my belongings during the inspection
- 12% have caught a landlord or property agent going through my private belongings, cupboards or drawers
- 67% are not satisfied with the frequency and nature of my rent inspections (Figure 5)

One respondent reported an especially egregious example of an invasion of privacy, saying:

*“I have caught the property manager photographing inside my underwear drawer while I was home alone with him. Also experienced sexist/homophobic remarks when I ask for repairs as he says if we weren’t lesbians my boyfriend could fix these things for me. He also asks lots of personal questions about our relationship and has told me that he thinks about us having sex which creeps us out. We now have a male friend over during inspections to keep me safe.”*

Other examples of a lack of privacy but inability to do anything about it included:

*“I have found the person doing the rent inspections feels they have the right to open anything, draws, cupboards etc during the inspection.”*

And:

*“We have had people go through our storage cupboards and have had negative reviews about fingerprints on lightbulbs. We feel that we need to put in a considerable amount of effort to make sure the house is showroom quality. We also take time off work to be available for the inspection as we have caught agents going through our belongings.”*

*“I am always present for inspections because I know of other agents that do go through peoples cupboards without cause or due process.”*

*“One property manager opened and looked in my washing machine and dryer and told me I had too many clothes which was why the laundry trough was blocked! Also had a rude note left by the property manager saying he assumed I would be fixing the broken blinds. I had notified the agent months prior that the blinds had broken in normal usage and I had sliced my finger open (I sent photos at the time) on the old, brittle metal part of the blinds. The property manager responded to my email reminding him of this, that he couldn't be expected to know everything*



about properties when he is doing inspections. I was shocked by that one - what else is he supposed to know about except the property itself??"

When considering the frequency and purpose of rent inspections, do any of the following apply (select as many as you need)

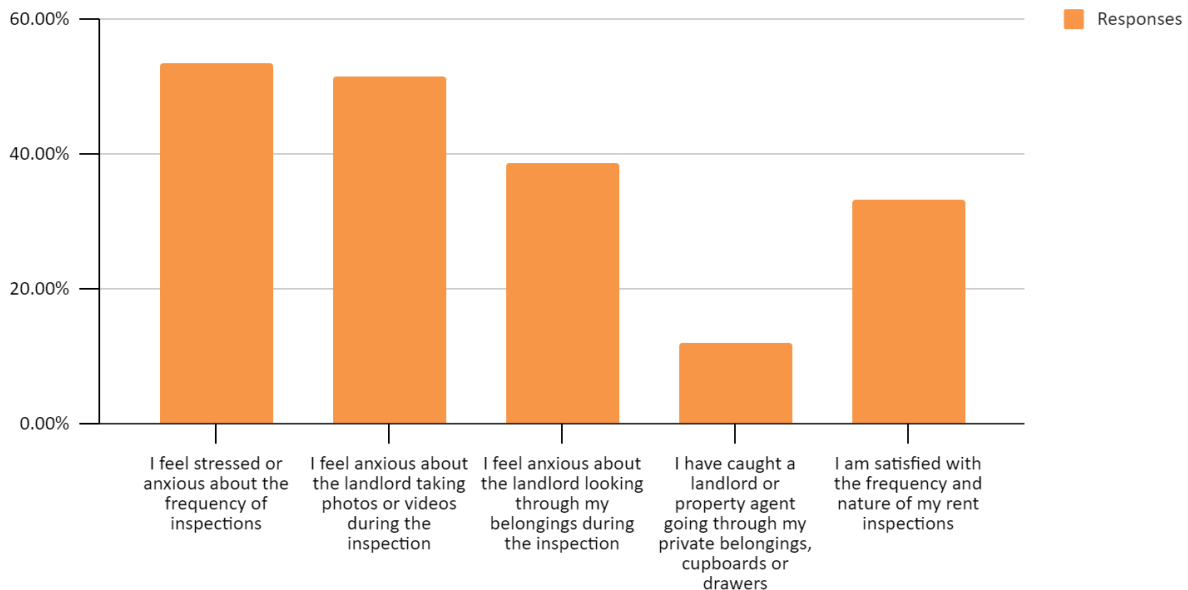


Figure 5: Renters' experience of rental inspections (Qu.31)

On the general issue of privacy, respondents said:

*"We still get 3 monthly inspections despite being her for over 10 years"*

*"It's like it's an invasion of my privacy. I have been here for 5.5 years and there has never been anything they weren't happy with so I feel they should reduce the amount of inspections"*

*"We have been here for over 5 years. There is NO need for 3 monthly inspections any more. It's an invasion of privacy."*

Another concluded:

*"Considering the state of disrepair the place is in structurally, and that most maintenance required is not done, I have to wonder why they bother with inspections."*

## Finding 7: Support not being accessed

When asked if they accessed any tenancy support or advice services to help with these issues, almost 70 per cent replied they had no access to tenancy support services to assist them with the eviction process and legal proceedings.

*"No services could help us because there were too many people in similar or worse situations to us and there was nothing they could do to help. We tried to apply for community housing but the*

*waitlist was too long and because my partner has recently worked more shifts than usual he earned too much for us to qualify.”*

Almost one in ten respondents (8 per cent) indicated they were currently in need of assistance with a notice of eviction or tenancy issue. [The Make Renting Fair campaign has provided referral options for legal and non-legal services to assist all of these respondents]

## **FULL SUMMARY OF PRELIMINARY RESULTS ON EVICTIONS**

*As at 6 October 2022 our survey respondents advised:*

*Renter profile: n=212*

- *29% renting more than 20 years*
- *52% privately renting through real estate agent*
- *51% with someone in household experiencing disability*
- *23% on rolling/periodic lease, 53% on 12 month fixed term, just 4% on fixed term 2 year lease*

*When asked about their **current** rental,*

- *56% reported issues with leaks, dampness or mould*
- *49% had experienced issues with locks, doors and windows*
- *55% had difficulty keeping the property cool or warm*
- *32% had issues with hot water*
- *27% reported a lack of fly screen*
- *17% reported major structural repairs were needed*
- *8% reported accessibility issues for example needing a ramp or grab rail in the bathroom*
- *39% had to pay or fix things themselves*

*In relation to evictions, **in the last 12 months:***

- *One in four survey respondents had received either a notice of eviction or threat to evict*
- *16% (had received a notice of termination (30 days to vacate) at the end of a fixed term lease without any reasons provided*
- *4% were given 60 days notice to vacate during a periodic lease – without any reason*
- *14% were threatened with eviction*
- *70% had no access to tenancy support services*

*When considering whether to make a request for repairs or maintenance in their current rental,*

- *63% were somewhat or very concerned the request might make the landlord less likely to renew their lease*
- *37% were concerned the request could get them evicted*
- *68% were concerned the request would be stressful and 62% were concerned the request would be ignored*

*When asked about the frequency and purpose of rent inspections, the survey found:*

- *54% feel stressed or anxious about the frequency of inspections*

- *51% feel anxious about the landlord taking photos or videos during the inspection*
- *39% I feel anxious about the landlord looking through my belongings during the inspection*
- *12% have caught a landlord or property agent going through my private belongings, cupboards or drawers*
- *67% are not satisfied with the frequency and nature of my rent inspections*

*Over their **entire history** as a renter:*

- *16% had a lease not renewed at the end of a fixed term due to a request*
- *44% had been too scared to report an issue with the property for fear of eviction or poor reference*
- *62% had to pay or fix things themselves*
- *35% had requested urgent repairs that were never completed, and*
- *28% had structural issues that were not addressed adequately*

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