

EXPLAINING NO REASON EVICTIONS

WHAT ARE 'NO REASON' EVICTIONS?

Currently in WA a tenant **can be evicted without any reason** under what is known as “no fault” or “no grounds” evictions. This happens at the end of a fixed-term lease or at any time during a periodic lease when the tenant hasn't breached any lease conditions, but the landlord wants them to leave the property. In this instance the landlord doesn't need to give a reason but they do need to provide sufficient notice. The notice period is 30 days for a fixed-term lease or 60 days for a periodic (or 'rolling') lease.

WHAT DO WE WANT?

Make Renting Fair is asking for **the removal of no reason evictions from the Residential Tenancy Act (RTA)**. Renters should not face termination of their tenancies unless there are reasonable grounds for it. Landlords are also entitled to clear and unambiguous rights and protections, which is why we are open to adding more grounds for eviction to the Residential Tenancies Act in place of removing no reason evictions. Clearer tenant responsibilities will support security of tenure, modernise the RTA and improve landlord protections. These changes will give landlords *and* tenants greater security, certainty and transparency.

WHAT ARE THE BENEFITS?

- **Removing no reason evictions will bring WA in line with the rest of the country.** Five jurisdictions have already banned or are in the process of banning no reason evictions.
- Currently, fear of eviction without reason is translating to renters being too scared to assert their existing rights. For example:
 - **63%** of tenants surveyed reported they are currently too scared to ask for maintenance or necessary repairs in case that leads to an eviction;
 - Renters also feel powerless to negotiate rent increases, with **41%** surveyed reporting they are too scared to even try due to the fear of losing their lease.
- By removing the fear of no cause eviction, tenants will be able to assert their rights and ensure they live in safe and secure housing – including the [landmark new rights awarded to tenants](#) by the Labor Government in May under the first tranche of reforms.
- It will provide long term security of tenure for renters, helping to keep people in their homes and out of homelessness.
- There is already [strong support in the community](#) to make this change, with 74% of Western Australians support removing 'no reason' evictions, including a majority of landlords surveyed.
- The change will provide both landlords and tenants with clearer rights and protections.

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WON'T THIS MAKE TAKE AWAY LANDLORDS' RIGHTS OR MAKE IT HARDER TO EVICT 'BAD TENANTS'?

No. Landlords will still be able to evict tenants who don't pay rent, damage the property or behave in an antisocial way under the existing grounds and via a normal breach notice. In fact, it is far quicker and simpler for a landlord to evict a problem tenant for a breach, which only requires 14 days notice, than via a "no reason" eviction which requires 60 days notice. The only change this reform makes is to protect good tenants from arbitrary eviction, which will improve security of tenure and prevent homelessness.

WHAT ARE THE CURRENT GROUNDS FOR EVICTION IN WA?

There are currently seven other grounds for evictions in WA, in addition to 'no reason' eviction. These include;

1. **Tenant breaches** including not paying rent, causing a nuisance to neighbours, using the premises for an illegal purpose, keeping unauthorised pets, unauthorised subletting, not keeping the property reasonably clean or maintaining the garden as agreed, or changing the locks or alterations without approval;
2. Tenant causes **serious damage** to the property
3. **Sale of the property** (for periodic leases just 60 days notice is required but for fixed term leases the sale can go ahead but the tenant cannot be evicted until the end of lease);
4. **Undue hardship** or special circumstances where the landlord will otherwise suffer significantly if they had to continue with the tenancy
5. **Abandoned property;**
6. **Mortgage repossession;** and
7. **Frustration**, if the premises becomes uninhabitable due to a natural disaster for example..

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REAL LIFE EXAMPLES OF NO REASON EVICTIONS IN WA

Sally and Enid were renting their apartment (along with their 3 cats) for 6 years on a periodic lease. They modified the property with the lessor's consent to make it easier for Enid to get around, as Enid uses a wheelchair. One afternoon, Sally and Enid went out to their mailbox to find a 60-day notice of termination, requiring them to move out in 60 days. Sally and Enid were shocked – they had no idea that the lessor intended to evict them. They felt an injustice because they always paid their rent on time and had a good relationship with the lessor – it came without any warning. They were worried and concerned about having to find another rental that was suitable for Enid and accepted pets. Sally and Enid were not able to find an appropriate rental within the 60-days, and had to move in with Sally's parents while they took more time and eventually found a property. The whole experience was stressful for Sally and Enid.

Amari and Mohammed have 6 children and lived a very busy life in their 5 x 3 rental property in the outer suburbs of Perth. They lived in the property for 4 years and found it to be convenient – it was close to the kids' school, had enough space for everyone and a big backyard. 2-months before Amari and Mohammed's fixed term lease expired, the lessor offered them another 12-month fixed term with a rental increase of \$130 per week. Amari and Mohammed could not agree to this due to the increased costs of living and their already high outgoings from having a big family. When Amari and Mohammed tried to negotiate a lower increase, the landlord refused, and gave Amari and Mohammed a 30-day without grounds notice of termination to terminate the fixed term at the expiry date. Amari and Mohammed had 30 days to find another suitable property for themselves and their 6 children.

Darlene is 65 years old and her rental property was falling apart. She didn't have a working oven for 3-months, her back sliding door didn't lock properly and her balustrading rusted through to the point where it was disintegrating. She notified the lessor about the repair issues many times, and the repairs were never completed. Darlene was on a periodic tenancy with no fixed end date. One day, she received an email from her real estate agent attaching a 60-day no grounds notice of termination without grounds. Darlene was upset; she felt that the only reason the lessor issued this notice was because she had taken steps to compel the lessor to complete repairs. She wasn't able to find somewhere to move to within the 60-day time frame, and had to stay with friends before she found another rental. The experience was very disruptive for Darlene.

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HOW DO WE COMPARE TO OTHER STATES?

Five out of seven jurisdictions already (our are in the process of) outlawing without grounds evictions. These are shown below in green.

	WA	NSW	Victoria	Queensland	SA	Tasmania	ACT	NT
Termination without grounds allowed during Periodic lease?	Allowed with 60 days notice.	Bipartisan election commitment to ban without grounds evictions announced in March 2023. Not yet introduced.	Cannot terminate without grounds. A reason and evidence must be provided.	Cannot terminate without grounds.	SA Gov proposing to ban no grounds terminations by end of 2023. (Currently allowed with 90 days notice.)	Cannot terminate without grounds.	Cannot terminate without grounds.	Allowed with 42 days notice.
Termination without grounds at the end of a Fixed term lease?	Allowed with 30 days notice.	Bipartisan election commitment to ban without grounds made in March 2023.	Only allowed only at the end of the first fixed term lease, with 90 days notice.	Cannot end a tenancy without grounds - but ending of a fixed term agreement can be given as a reason, with 2 months notice.	SA Gov proposing to ban no grounds terminations by end of 2023. (Currently allowed with 28 days notice).	Cannot terminate without grounds.	Cannot terminate without grounds.	Allowed with 14 days notice.

OTHER RESOURCES

Make Renting Fair [‘Tenancy Ten’](#) including an overview of no reason evictions

Make Renting Fair Report on [The Impact of No Reason Evictions on WA Renters](#) (Nov 2022)

Make Renting Fair Report on [The Impact of Unlimited Rent Increases on WA Renters](#) (May 2023)

Independent Polling on the [Community Perceptions and Support for Rental Reforms](#) (August 2022)

WA Government media statement: [WA tenancy law modernisation to strike a balance between tenants and landlords](#) (26 May 2023)