

Security Bond at the Start of a Tenancy

As a tenant you have rights and responsibilities under the *Residential Tenancies Act 1987* (the Act). This fact sheet explains the law in Western Australia about security bonds and incorporates the changes made to the Act, which came into effect on 1 July 2013. Please note that while changes were made to the Act effective 1 July 2013, some of the old laws may still apply to you. If, for example, you entered into a lease prior to 1 July 2013, the old laws may still be valid. Accordingly we strongly encourage you to get appropriate legal/tenancy advice from your local tenancy service concerning the application of the new laws.

WHAT IS A SECURITY BOND?

In the Residential Tenancies Act the landlord is referred to as the lessor.

A security bond is a deposit that you give to the lessor at the start of the tenancy. At the end of the tenancy, if there has been damage to the property, unpaid rent or unpaid water bills, the lessor can keep the bond, or part of the bond, to pay these costs.

If you don't owe any money at the end of the tenancy you are entitled to receive a refund of the full bond amount.

HOW MUCH IS THE SECURITY BOND?

Generally the bond can only be a maximum of 4 weeks' rent under the agreement.

There are two exceptions to this:

- if the weekly rent is above \$1200
- if there is a pet bond.

PET BONDS

A lessor can ask for a pet bond if there is a pet living at the property. The pet bond can be a maximum of \$260.

If you are allowed to keep a pet at the property that is capable of carrying fleas, ticks and/or other parasites, the pet bond may be used at the end of the tenancy for fumigation.

Guide dogs are exempt from the pet bond.

BOND CHECKLIST

- Get a receipt when you pay the bond.
- The bond must be lodged with the bond administrator.
- From 1 July 2013 property condition reports (PCRs) are compulsory when entering and ending a tenancy agreement. When you leave the property, the lessor must give you a copy of the PCR within 14 days of you leaving the premises.
- Take photos of the property at the beginning and end of your tenancy.
- Read all documents carefully, and never sign a blank or incomplete form.
- Keep copies of all rent receipts or a record of your rent payments.
- Leave the premises clean, and in a similar condition to when you moved in.
- Keep copies of receipts for carpet cleaning.

- Return the keys when you move out.
- Notify the lessor of your forwarding address.

PAYING THE BOND

Once you pay the bond, the lessor must give you a bond receipt immediately.

The receipt must state:

- the date on which the bond was paid
- the name of the person paying the bond
- the amount paid
- the address of the rental premises.

A [Lodgement of Security Bond Money Form](#) should be completed when you pay the bond to the lessor. The bond is then lodged with the Bond Administrator at the Department of Commerce.

WHERE IS THE SECURITY BOND DEPOSITED?

If your tenancy started after 1 July 2013, the lessor must deposit the bond with the Bond Administrator (Department of Commerce) within 14 days of receiving the money from you.

The Bond Administrator will then send you a record of bond payment. If you do not receive this within a month of entering the tenancy, contact the Bond Administrator on 1300 853 829.

If your tenancy started prior to 1 July 2013, the lessor had until 1 December 2014 to transfer the bond to the Bond Administrator.

If your lessor does not lodge your bond with the Bond Administrator, they are committing an offence and could be fined. Ask them to lodge the bond immediately.

If your bond is not lodged or you would like to check if your bond has been lodged, you can contact the Department of Commerce on 1300 853 829.

ASSISTANCE WITH PAYING THE BOND

The Department of Housing can provide bond assistance loans for private rental properties if you need assistance paying the bond money.

If you are renting from the Department of Housing a portion of the bond is paid when signing the lease and the rest is paid in weekly or fortnightly instalments (minimum of \$5) along with your rent. For more information contact the Department of Housing. The Department of Housing is currently exempt from lodging bonds with the Bond Administrator, your bond will be held by the Department of Housing.

VARIATION OF THE BOND

A security bond may need to be changed or varied because:

- the amount of bond money to be charged may change (this is usually when a valid rent increase has occurred)
- one or more of the tenants in a shared household may decide to move out
- the ownership of a property may change
- a lessor may employ a different real estate agent.

A [Variation of Security Bond Form](#) must be filled out and lodged with the Bond Administrator.

RELEVANT FORMS

[Lodgement of Security Bond Money Form](#)

[Variation of Security Bond Form](#)

FURTHER HELP – TENANTS’ ADVICE AND ADVOCACY

Tenancy WA provides state wide telephone advice services and referrals.

Metro: (08) 9221 0088 • Country: 1800 621 888 (free call) • www.tenancywa.org.au

Department of Commerce 1300 304 054

METROPOLITAN COMMUNITY LEGAL CENTRES	REGIONAL COMMUNITY LEGAL CENTRES
Fremantle CLC (Western Suburbs) 9432 9790 www.fremantle.wa.gov.au	Albany CLC (Great Southern) 9842 8566 www.albanyclc.com.au
Gosnells CLC (South Eastern Suburbs) 9398 1455 www.gosclc.com.au	AccordWest (South West) 9729 9000 www.accordwest.com.au
MIDLAS (Eastern Suburbs) 9250 2123 www.midlas.org.au	Regional Alliance West (formaly GRC) (Mid-West/Gascoyne) 99380600 www.raw.org.au
Northern Suburbs CLC (Northern Suburbs) 9440 1663 www.nslc.org.au	Goldfields CLC (Goldfields) 9021 1888 www.gclc.com.au
SCALES (South Western Suburbs) 9550 0400 www.law.murdoch.edu.au/scales	Kimberley CLS (Kimberley) 9169 3100
Sussex Street CLS (South Central Suburbs) 6253 9500 www.sscls.asn.au	Peel CLS (Peel) 9581 4511 www.peelcls.com.au
Welfare Rights & Advocacy Service (North Central Suburbs) 9328 1751 www.wraswa.org.au	Pilbara CLC (Pilbara) Karratha - 9185 5899 Newman - 9175 0148 Roebourne - 9182 1169 South Hedland - 9140 1613 www.pcls.net.au
	Wheatbelt CLC (Wheatbelt) 9622 5200 www.wheatbeltclc.com.au

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