

Making an Application for a Rental Property

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 making an application to rent a home 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.

THINGS TO CONSIDER BEFORE MAKING A RENTAL APPLICATION

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

- Cost of renting: bond, rent in advance, initial start-up costs, moving expenses, furniture.
- Check if you are eligible for financial assistance such as rent assistance or a bond loan.
- Where to rent (take into account travel costs if you are unable to rent near work or university).
- Arranging to inspect the property.
- How long you want or need the tenancy agreement to be (long term, short term, 6 months, 12 months).

You can see our Inspecting a Property Checklist for more details.

MAKING AN APPLICATION

Most lessors will ask you to fill in a rental application form.

You should make sure you read and understand what the form says before you sign it. Ask the lessor to explain anything you do not understand.

You may be asked to pay an option fee when you lodge your rental application form. The application form should set out what happens to the option fee if your application is successful but you decide not to go ahead with the tenancy. Usually it will state that the option fee is kept by the lessor if you are offered the tenancy but do not take it up. There is more information about option fees later in this factsheet.

REMEMBER: When deciding how long you want the agreement to be, keep in mind that you cannot give a “no grounds” termination notice for a fixed term agreement. Breaking a fixed term agreement early brings associated fixed costs and you are also liable for rent until a new tenant is found.

INSPECTING A PROPERTY

Prior to signing a tenancy agreement, check the property thoroughly, inside and out, to ensure you are happy with it.

Remember that once you have signed the tenancy agreement, you have accepted the property as it is. For example, if there is no heater in the property when you sign the agreement, the lessor does not have to provide you with one.

A number of agencies will not allow you to sign the agreement without viewing the property first.

WHAT IS A RENTAL APPLICATION FORM?

Filling in and lodging a rental application form does not guarantee that you will be offered the rental property. The information asked for in the form helps the lessor decide whether they want to rent the property to you. There is not a standard rental application form.

A rental application form may ask for:

- your name and phone number
- your present and previous address and rental details (including how much rent you paid, the lessors name, and their address and phone number)
- references from your previous lessor
- your current employment details (employer name and address, and your income details)
- contact details for a personal reference (their name and phone number)
- your bank details
- your next of kin (your immediate family) name and contact details
- how long you would like to rent the property
- the dates you would like to move in and move out of the rental property
- how many people (adults and children) will be staying at the rental property
- whether there will be any pets
- whether you intend to apply for Department of Housing (DOH) Bond Assistance
- your credit history
- to pay the option fee (if applicable).

The rental application form should list the cost of renting the property which includes:

- rent
- rent in advance (2 weeks)
- security bond (4 weeks rent)
- pet bond (if applicable).

The costs listed on the rental application form are the amounts that you agree to pay if you are successful in your application. You need to check and agree with the costs before you sign and lodge the application form. Some application forms require a '100 point identity check' which can include:

- photo ID for each applicant (driver's licence or passport)
- written references from previous lessors/agents
- proof of your last address (last phone bill, gas bill or electricity bill)
- copy of previous rental receipts (or bank statements if you have been using 'Direct Debit for paying rent)
- copy of your last rental agreement
- proof of income (letter of employment or Centrelink statement).

WHAT IS AN 'OPTION FEE'?

A lessor can charge a fee when a prospective tenant makes an application to rent a property. This is called an option fee.

If your application is successful, and you go ahead with the tenancy, the lessor must either use the amount you paid for the option fee towards payment of your rent or repay it to you.

If your application is successful, but you decide not to go ahead with the tenancy, the option fee may be forfeited (this means the lessor may keep the option fee).

If you are unsuccessful in your application for a rental property, your option fee must be refunded to you in cash or by Electronic Funds Transfer (EFT). The lessor must refund you the option fee within 7 days of the decision to refuse your application.

The option fee is capped at \$50 or \$100 (depending on the rent and location of the property as below).

Weekly Rent of the Property	Location of the Property	
	Above 26th parallel*	Below 26th parallel*
\$0 to \$500	\$50 maximum	\$50 maximum
More than \$500 and less than \$1200	\$100 maximum	\$100 maximum
\$1200 or more	\$100 maximum	\$1200 maximum

* **Note:** The town of Denham in Shark is just north of the [26th parallel](#).

WHAT IS DISCRIMINATION?

Under the *Equal Opportunity Act 1984* (WA), it is unlawful to refuse someone a rental property because of their (or their relatives or associates):

- age
- gender (male/female)
- race
- impairment (such as a disability)
- sexual orientation
- pregnancy
- marital status (whether you are married or not)
- religious or political beliefs (or lack of)
- gender history (transgender).

The discrimination can be direct or indirect, but you may need to provide evidence if you are making a complaint. Make sure you keep any written correspondence or material and make a written record of anything said by the lessor that might be discriminatory.

MAKING A COMPLAINT

If you wish to make a complaint to the Commissioner for Equal Opportunity about a lessor on the grounds that the lessor has discriminated against you, you can complain online at www.eocwa.gov.au or telephone (08) 9216 3900, or write to:

Commissioner for Equal Opportunity
PO Box 7370
Cloisters Square
PERTH WA 6000

If you wish to make a complaint, you should do so as soon as possible, especially if Court proceedings have commenced. A complaint received by the Commissioner could result in proceedings being adjourned.

12 MONTH LIMITATION PERIOD

If you decide to make a complaint, you need to lodge the complaint with the Equal Opportunity Commission within 12 months of the discrimination taking place.

In some circumstances the Commissioner may rule that there is good reason to extend this time limit.

RELEVANT FORMS

[Form 1AA Residential Tenancy Agreement and Help page](#)

[Form 1AC Information for Tenant](#)

[Form 1AD Information for tenant with non-written residential tenancy agreement](#)

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.gosnellsclc.com.au	AccordWest (South West) 9729 9000 www.accordwest.com.au
MIDLAS (Eastern Suburbs) 9250 2123 www.midlas.org.au	Geraldton Resource Centre (Mid-West/Gascoyne) 9938 0600 www.grc.asn.au
Northern Suburbs CLC (Northern Suburbs) 9440 1663 www.nscslc.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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