

Fact Sheet 2:

Making an application to rent a house

As a tenant you have rights 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.

Making an application

Most lessors will ask you to fill in a rental application form when you decide you want to register your interest in renting a property. You should make sure you 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. There is more information about option fees later in this sheet.

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 lessor's 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 (DH) Bond Assistance;
- Your credit history; and
- 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 you are agreeing to pay if 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 Credit' for paying rent);
- Copy of your last rental agreement; and
- Proof of income (letter of employment or Centrelink statement).

What is an 'Option Fee'?

An option fee is a fee charged when a prospective tenant makes an application to rent a property.

If you are offered the rental property, the lessor must either use the amount you paid for the option fee towards payment of your rent or repay it to you.

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.

Option fees are capped as follows:

Weekly rent of the property	Location of the property	
	Above 26th parallel of south latitude	Below 26 th parallel
\$500 or less	\$50 Maximum	\$50 Maximum
More than \$500 and less than \$1200	\$100 Maximum	\$100 Maximum
\$1200 or less	\$100 Maximum	\$1200 Maximum

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.eoc.wa.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

The incident or incidents you are including in your complaint must have occurred within the 12 months previous to the date you lodge your complaint.

In some circumstances the Commissioner may rule that there is good reason or good cause, to include incidents that occurred more than 12 months before the complaint is lodged.

If you have any questions about the topics discussed in this fact sheet please contact your local tenancy advocate or the Department of Commerce on 1300 30 40 54 or go to www.commerce.wa.gov.au

METROPOLITAN: Fremantle Community Legal Centre (Fremantle) (08) 9432 9790 www.fremantle.wa.gov.au | Gosnells Community Legal Centre (Gosnells) (08) 9398 1455 www.gosclc.com.au | MIDLAS (Midland) (08) 9250 2123 www.midlas.org.au | Northern Suburbs Community Legal Centre Inc. Mirrabooka: (08) 9440 1663 Joondalup: (08) 9301 4413 www.nsclegal.org.au | SCALES, Rockingham: (08) 9550 0400 www.law.murdoch.edu.au/scales | Sussex Street Community Law Service Inc. (Victoria Park) (08) 6253 9500 www.sscls.asn.au | Welfare Rights & Advocacy Service (Perth) (08) 9328 1751 www.wraswa.org.au **REGIONAL:** Albany Community Legal Centre Inc. Albany: (08) 9842 8566, Free call: 1800 606 060 www.albanyclc.com.au | Agencies for South West Accommodation (ASWA), Bunbury: 08 9791 1877 www.glcl.com.au | Geraldton Resource Centre, Geraldton 08 9938 0600 www.grc.asn.au | Goldfields Community Legal Centre, Kalgoorlie: (08) 9021 1888 www.glcl.com.au | Kimberley Community Legal Services, Kununurra: (08) 919 3100 Free Call: 1800 686 020 | Peel Community Legal Service Inc. (Mandurah) (08) 9140 1613 www.peelclc.com.au | Pilbara Community Legal Service Karratha: 08 9185 5899 Newman: 08 9177 8708 Roeburne: 08 9182 1169 South Hedland: (08) 9140 1613 | Wheatbelt Community Legal Centre Inc. (Northam) (08) 9622 5200 www.wheatbeltclc.com.au | State wide legal telephone advice line Metro: (08) 9221 0088 Regional: 1800 621 888

Disclaimer: Though every attempt was made to present information in an accurate way in this information sheet NSCLC disclaims liability for any loss or damage arising from its use. This sheet is intended as a guide only.