

# Landlords, agents and tenants

Your responsibilities

# Landlords, tenants and managing agents all play a role in ensuring gas and electricity supply and appliances are safe in rented premises.

## Landlords

Under the *Residential Tenancies Act 1997* (RTA), a landlord must ensure that rented accommodation is maintained in 'good repair'. This includes all gas and electrical appliances the landlord provides, which must be safe to use and properly maintained.

For further protection, landlords should consider installing safety switches to all electrical circuits.

Failure to ensure gas and electrical appliances are properly installed or correctly maintained (according to the manufacturer's instructions) could potentially harm or kill tenants, cause significant property damage, and expose the landlord to civil liability and potentially costly litigation.

There might also be unintended impacts on the landlord's insurance if poorly serviced or unsafe appliances are found to have caused injury or damage.

The landlord (or agent acting on their behalf) should ensure safety checks are done at rented premises at agreed intervals. Energy Safe Victoria (ESV) recommends this is done at least once every two years.

## Managing agents

Under the Estate Agents (Professional Conduct) Regulations 2018, managing agents must do their work with due skill, care and diligence.

It is good practice for managing agents to warn landlords of the possible consequences of not properly maintaining a rental property, including the maintenance of gas and electrical appliances.

If a landlord does not want to carry out required maintenance work, the managing agent must inform the landlord this may be considered a breach of the RTA.

### Tip

**Ensure gas heaters and hot water systems are serviced every two years, while cookers should be maintained as needed. When faults are reported, they should be checked as a matter of urgency.**

## Tips

### Urgent repairs include:

- » **the failure or breakdown of any essential service or appliance provided by a landlord or agent for hot water, water, cooking, heating or laundering, and**
- » **any fault or damage in the premises making them unsafe or insecure.**

### Information for landlords and agents

- » **Only use qualified tradespeople for any gasfitting and electrical work.**  
Refer to 'Using a qualified tradesperson' on page 7.
- » Respond immediately to any request from your tenant to fix a gas leak, or any other urgent repair listed under the RTA. If you do not respond immediately, **your tenant can authorise an urgent repair of up to \$1,800, for which you must reimburse them.**
- » If your tenant is waiting for an urgent repair to take place, you should provide an alternative solution, or temporarily reduce their rent to reflect the property's reduced amenity.
- » Before re-letting, ensure all appliances you provide are safe, all air vents are clear and unobstructed, and any unsafe appliance is repaired or removed.
- » Get an appropriate tradesperson to:
  - › Regularly clean and service any gas or electrical appliances in accordance with the manufacturer's instructions, paying particular attention to dust build-up on cooling fan inlets and all parts of heaters.
  - › Check electrical appliances for damage to plugs, leads and casings that may expose live parts, or cause a fire.
  - › Ensure electrical wiring, socket outlets and switches are maintained in a safe condition.
  - › Ensure all gas appliances, pipework and flue systems are maintained in a safe condition.
  - › Ensure all pipes are sealed correctly if an appliance has been removed.
- » Record all safety checks and details of work carried out on a gas or electrical installation.

## Gas heaters and other gas appliances

- » Flue systems must be examined regularly, especially those related to decorative gas log fires, internal hot water heaters and space heaters. Flue terminals must be checked to ensure they are not blocked and are vermin-proof.
- » Burning or discolouration on the front or above a space heater or water heater indicates an urgent problem. This must be checked immediately.
- » Piping systems should be checked every five years or whenever a new or replacement appliance is installed.

## Tenants

Tenants are responsible for using appliances according to instructions and should **immediately report any faults to the landlord or managing agent.**

### Information for tenants

- » Use all appliances appropriately and as per the manufacturer's instructions.
- » Allow reasonable access for the landlord's contractor or tradesperson to carry out gas and electrical safety checks.
- » Report any fault or malfunction to the landlord or agent as soon as possible.
- » Stop using any appliance that is damaged or faulty – they can cause fire and serious injury.
- » Ensure air vents are not blocked or covered.
- » Never illegally install, remove or tamper with any gas or electrical appliance.
- » Do not use multiple or cascaded power boards as a substitute for permanent socket outlets.

- » Ensure portable heaters are kept away from combustible materials including washing, paper, blankets and curtains.
- » Before signing a lease, consider requesting a condition or clause be added requiring the landlord to have any gas appliances checked and serviced every two years, and electrical appliances serviced as per the manufacturer's instructions.

## Tips

### **To request an urgent repair:**

- 1. Advise your landlord or agent – they must respond to your request immediately.**
- 2. If your landlord or agent does not respond promptly, you may authorise and pay for the urgent repairs yourself, up to the value of \$1,800, and then seek re-imbusement from your landlord.**
- 3. If you can't afford to pay for the repairs yourself, or you have taken reasonable steps to advise your landlord of the repairs and they have failed to respond immediately, contact Consumer Affairs Victoria on 1300 558 181 for information and advice.**

## The dangers of carbon monoxide

Carbon monoxide (CO) is a colourless, odourless and tasteless gas resulting from the incomplete combustion of hydrocarbon fuels.

CO can be produced by faulty and/or unserviced gas heaters. CO spillage can cause chronic illness or death.

### **If you have a gas heater in your home, you may be at risk of CO poisoning.**

On average, one Victorian a year dies from CO poisoning and many suffer chronic, debilitating illnesses. The symptoms are often mistaken for the flu and include headaches, dizziness or nausea.

All gas heaters should be serviced at least every two years by a qualified gasfitter, to reduce the risk of CO poisoning.

## Keeping warm and staying safe – tips for heating with gas

### **Tenants**

- » Do not leave your gas heater on overnight.
- » Do not operate exhaust fans at the same time as the heater.
- » Never bring portable gas appliances designed for outdoor use inside your home, caravan, car or tent, as this may result in fatal CO poisoning.

### **Landlords**

- » Landlords should consider replacing old appliances.
- » All reported faults should be checked as a matter of urgency.
- » Instantaneous gas water heaters (other than room-sealed types) in bathrooms and toilets are not permitted and should be replaced.
- » A CO alarm may be installed as a back-up measure.

Note: the effectiveness of these alarms is limited to the location where they are installed, as CO levels elsewhere in the room may vary.

For more information, refer to '*Heating your home with gas*' on the ESV website.

## Using a qualified tradesperson

**It is illegal and dangerous for unqualified people to perform gas or electrical work around the home.**

### Gasfitting work

Gas appliances can only be installed, serviced or repaired by tradespeople registered or licensed by the Victorian Building Authority (VBA).

Not all plumbers are authorised to carry out gas installation or servicing work. Their photo ID card issued by the VBA lists the type of work they are eligible to do. You can check by calling the VBA on **1300 815 127** or find more information at [www.vba.vic.gov.au](http://www.vba.vic.gov.au).

### Electrical work

A registered electrical contractor (REC) must be engaged to carry out electrical work around your property. Ensure the electrician has a licence issued by ESV. A Certificate of Electrical Safety (COES) must be issued when the work is complete.

If the electrician refuses to show their licence or issue a COES, notify ESV on **1800 800 158**. If you are the customer, you may also make a complaint about the tradesperson. More information is available on our website at [www.esv.vic.gov.au/complaints](http://www.esv.vic.gov.au/complaints).

## Tips

- » **Before signing a lease, consider requesting a condition or clause be added requiring the landlord to have any gas appliances checked and serviced every two years, and electrical appliances serviced as per the manufacturer's instructions.**
- » **In 2018, more than 130 reforms to the *Residential Tenancies Act 1997* passed the Victorian Parliament. The changes will be implemented progressively, with full implementation by 1 July 2020. For updates, visit the Consumer Affairs Victoria website at [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)**



**For more information about renting,  
including responsibilities for property  
maintenance and repairs, visit the Renting  
section of the Consumer Affairs Victoria website  
[www.consumer.vic.gov.au/renting](http://www.consumer.vic.gov.au/renting)**

**Search for a suitably qualified  
gasfitter on the VBA website  
[www.vba.vic.gov.au](http://www.vba.vic.gov.au)**

**Use ESV's *Find a tradie* listing to  
search for a licensed electrician  
[www.esv.vic.gov.au](http://www.esv.vic.gov.au)**

**[www.esv.vic.gov.au](http://www.esv.vic.gov.au)  
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