

Tenancy: Condition Reports

Condition Report

The condition report is viewed as evidence of the condition of the property at the beginning of the tenancy. Upon moving in, the lessor or their agent has one day to provide you with two signed copies of a condition report stating their assessment of the condition of the property and any goods leased with it. You then have two weeks to return one signed and amended copy back to the landlord or their agent. You should keep the second copy for your records.

It is important to complete the condition report in as much detail as possible noting any problems you see with the premises and pointing out any areas where you disagree with the lessor's assessment of the premises. You should also take photos or video of the premises at the same time and attach it.

If you do not receive a condition report you should document this and advise the landlord or their agent in writing that you have not received the report. You should also do your own condition report.

The landlord must keep the condition report for a period of not less than one year after the end of the tenancy.

Evidence of the Condition of the Premises

The best evidence that you can have of the condition of the property when you move in and move out is visual evidence, such as video or photographs. Take the time to carefully and clearly video and/or photograph all rooms inside the premises, and (if applicable) outside of the premises.

If any areas are raised as an issue at the final inspection when you are moving out (e.g. an area of carpet or a crack in the shower screen) then take additional close up photos of these areas.

At the End of Your Tenancy

As a tenant you are expected to return the property in substantially the same condition and level of cleanliness it was in at the beginning of the tenancy, allowing for fair wear and tear.

You cannot be made to improve the property beyond the condition in which it was delivered.

Fair Wear and Tear

'Fair'; relates to the cause of the damage. For damage to be excused, it must have occurred in the course of fair use of the property for residential purposes.

For example, wear to a carpet in high traffic areas of the premises (e.g. hallways) could occur in the course of fair use. On the other hand, it would be hard to argue that a substantial hole in a carpet or large oil stains on a carpet occurred during fair use. 'wear and tear' refers to the effect and severity of the damage. Minor scuff marks on walls, sun-fading of curtains and minor oil stains on a concrete driveway would all likely be fair wear and tear. A large red wine stain on the carpet would probably be considered to be more than 'wear and tear', even though the stain could happen in the course of fair use.

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What amounts to 'fair wear and tear' depends on the facts of each case. If you and the landlord cannot agree, the dispute will be decided by the ACT Civil and Administrative Tribunal (ACAT). ACAT will take into account the condition of the property at the start and the end of the tenancy, as well as the general age and condition of the property.

Professional Cleaning

There is no requirement for you to use professional cleaning or carpet cleaning services at the end of your tenancy.

However, you may be required to professionally clean your carpets at the end of your tenancy if your tenancy agreement says you have to, and if the carpets were professionally cleaned at the beginning of the tenancy. The landlord should provide a receipt showing that the carpets were professionally cleaned at the beginning of the tenancy.

If your tenancy is continuing or is renewed

From 10 December 2024, final inspections and new condition reports are not needed each time a new fixed term agreement (with at least one continuing tenant) is entered into over the same property. Landlords and tenants will be able to use the same property condition report from an initial tenancy agreement when landlords and tenants enter into a series of agreements at the same rental property. This will apply when at least one of the tenants from a previous tenancy is on the new tenancy agreement.

Useful Contacts

Legal Aid ACT

Monday to Thursday: 8:30am to 7:00pm

Friday: 8:30am to 5:00pm

www.legalaidact.org.au

Phone: **1300 654 314**

Tenancy Advice Service

TAS@legalaidact.org.au

Phone: **1300 402 512**