

Pests in a rental property

This factsheet provides basic information only. This factsheet should not be substituted for legal advice. You should seek legal advice about what to do in relation to your matter.

What are pests?

Pests may include (but are not limited to):

- Bees and/or wasps
- Mice and/or rats
- Snakes
- Possums
- Ants
- Cockroaches
- Termites

Legal Aid ACT Tenancy Advice Service

Phone: **1300 402 512**

Email: TAS@legalaidact.org.au

Chat: <https://tawk.to/tasact>

Who is responsible to prevent a pest infestation?

ACT tenancy laws require a tenant to keep their rental property clean. The law also states that tenants are not permitted to cause any damage to the rental property through neglect or willful act. In the context of pests, tenants are required to ensure that their neglect or willful acts do not cause a pest infestation. If you are a tenant in an infested premises, you should ensure you notify your landlord or agent of the infestation in writing as soon as possible to prevent the infestation from getting worse.

The landlord also has responsibilities to prevent pest infestations under ACT tenancy laws. Landlords are required to keep the premises in a reasonable state of repair, with regard to its condition at the commencement of the tenancy. This means that a landlord must ensure that the premises is kept in such a state of repair that it does not cause a pest

infestation.

When is the tenant responsible for pest control or repairing damage caused by pests?

If the tenant's negligence or willful act causes the pest infestation, the tenant may be liable for costs related to repairing any damage caused by the pest infestation. For example, where a tenant does not remove rubbish from the premises and this attracts mice, the tenant may be found to have caused the mice infestation. The tenant may be liable for the extermination of the mice and any repairs that must be carried out for damage caused to the premises by the mice infestation.

When is the landlord responsible for pest control or repairing damage caused by pests?

A landlord may be liable for costs incurred to remove pests or repair damage caused by pests if the infestation was **not** caused by the tenant's negligence or willful act. ACT tenancy laws state that landlords are required to make (and therefore potentially pay for) repairs to the premises, so long as the damage was not a result of any negligence or willful act of the tenant.

What if the landlord refuses to control the pests or repair damage caused by the pests?

If you are residing in an infested rental property, and your landlord refuses to arrange for the pest extermination and/or any repairs caused by the pests, you should get legal advice immediately. Legal Aid's Tenancy Advice Service may be able to provide you with free legal help in this situation.

Depending on the circumstances, you may have grounds to apply to the ACT Civil and Administrative Tribunal (ACAT) to terminate the tenancy agreement on the basis that your landlord has breached the agreement by failing to keep the premises in a reasonable state of repair (if the breach is serious

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enough to justify the termination of the agreement). You may also have grounds to apply to ACAT for a rent reduction if your use or enjoyment of any part of the premises has significantly diminished due to the pest infestation. If the pest infestation is so severe that the premises is no longer fit for habitation, the tenant may terminate the tenancy agreement by giving written notice of the termination to the landlord or their agent.

It is always a good idea to get legal advice before you try to terminate a tenancy agreement or apply for a rent reduction. A tenancy lawyer will be able to advise you on whether you have sufficient grounds to terminate the tenancy agreement or request a rent reduction. They may also be able to help you settle the dispute with your landlord, without having to apply to ACAT at all.

Get Help

Legal Aid ACT Tenancy Advice Service

Phone: **1300 402 512**

Email: TAS@legalaidact.org.au

Chat: <https://tawk.to/tasact>

Address: **2 Allsop St, CANBERRA CITY ACT 2601**

ACT Civil & Administrative Tribunal (ACAT)

Phone: **(02) 6207 1740**

Address: **ACT Health Building, Level 4, 1 Moore Street, Canberra City ACT**

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