Circle Green Community Legal

Applying for a Rental Property

THINGS TO CONSIDER BEFORE MAKING A RENTAL APPLICATION

- 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.
- Location: consider travel costs if you are unable to rent near work, university, schools or childcare.
- Arranging to inspect the property.
- How long you want or need the tenancy agreement to be (long term, short term, for example, 6 or 12 months).

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

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

REMEMBER: Rent bidding is prohibited in Western Australia. A property should be advertised at a specific amount and not 'from' or 'offers above'. A property manager or lessor must not encourage you to pay or offer more than the listed price. If the agent or lessor asks or suggests that you offer more than the listed price, you can report them to Consumer Protection.

MAKING AN APPLICATION

Most lessors will ask you to complete a rental application form, either hard copy or online.

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 breaking a fixed term agreement early can be expensive. The tenant will usually be liable to compensate the lessor some amount for ending the fixed term agreement early.

INSPECTING A PROPERTY

Prior to signing a tenancy agreement, it is important to arrange an inspection/viewing of the property. At the inspection, check inside and outside the property thoroughly to ensure you are happy with it. If you are unable to view the property in person, ask the agent if you can arrange a virtual inspection.

Remember that once you have signed the tenancy agreement, you have accepted the property as it is (subject to lessor obligation for cleanliness and repairs). For example, if there is no heater in the property when you sign the agreement, the lessor does not have to provide you with a heater during the tenancy.

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

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 no standard rental application form.

A rental application form may ask for:

- Your full 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 a Housing Authority bond assistance loan
- Your credit history
- Payment of an option fee (if applicable).

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

- Rent
- Rent in advance (up to 2 weeks)
- Security bond (4 weeks rent)
- Pet bond (if applicable)

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)
- Copies 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 Bay 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 history
- Race
- Impairment (such as a disability)
- Sexual orientation
- Pregnancy
- Marital status (whether you are married or not)
- Religious or political beliefs (or lack of)

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 https://www.wa.gov.au/organisation/equal-opportunity-commission.

The complaint must be made in writing.

If you wish to make a complaint, you should do so as soon as possible, and in any case, **within 12 months of the discrimination**.

If your complaint is more than 12 months old, it will only be investigated if you can satisfy the Commissioner that there is a good reason why it should be investigated.

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

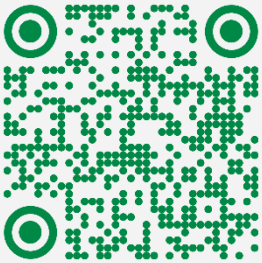
FURTHER HELP – TENANTS ADVICE AND ADVOCACY

Circle Green Community Legal
(08) 6148 3636
www.circlegreen.org.au

Consumer Protection for consumer and tenancy related matters
commerce.wa.gov.au/consumer-protection | 1300 304 054

To find a tenant advocate in your area, visit our website or use the QR code →

https://circlegreen.org.au/resource/find-a-tenant-advocate



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