

Resolving rental problems

 fairtrading.nsw.gov.au/housing-and-property/renting/resolving-rental-problems

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First steps

The first step in resolving any problem or complaint is to carefully read the terms of your agreement.

It is always best for a tenant and landlord or agent to try to solve any problems between themselves. To avoid further issues, any agreement reached should be put in writing.

Residential tenancy and real estate complaint service

NSW tenants, landlords and agents can use Fair Trading's free tenancy and real estate complaint service, if an agreement can't be made.

Find out more about this free service on the residential tenancy and real estate complaints page or call our 13 32 20 hotline with your tenancy question.

The Tenants Advice and Advocacy Services provide assistance and advocacy to all tenants, particularly social housing tenants or the vulnerable. To find your nearest Tenants Advice and Advocacy Service go to www.tenants.org.au or call 8117 3700.

The NSW Civil and Administrative Tribunal

The Tribunal is an independent body which hears and decides on applications for orders from tenants and landlords.

You can decide to lodge an application with the NSW Civil and Administrative Tribunal if:

- Fair Trading cannot find a solution mutually agreed to by both parties
- your complaint is not covered by matters dealt with by Fair Trading.

Visit the NSW Civil and Administrative Tribunal website for more information or to access Tribunal application forms.

Costs

The NSW Civil and Administrative Tribunal fees page, lists the costs to apply to the Consumer and Commercial Division of the Tribunal. There is a reduced fee for eligible pensioners and full time students. Hearings are usually held within one month at a venue nearby the premises.

Time limits

There are time limits for applying to the Tribunal for certain orders. For example, in cases where an order is requested regarding broken terms of the tenancy agreement, this order should normally be brought forward within three months of becoming aware of this.

Orders

The Tribunal can make orders, among others, that:

- a term of the agreement be complied with
- compensation be paid to a tenant or landlord
- a rent increase is excessive
- the agreement be ended
- a rental bond be paid.

Hearings

The Member will first ask the parties to try to reach a settlement. If this cannot be achieved the case will then be heard in the Tribunal hearing room. The Member will allow both parties, in turn, to tell their side of the events and present any evidence.

Hearings are usually informal. Formal hearings can be held on request, where witnesses can be called and evidence is given under oath. It is up to the person who made the application to provide enough evidence to convince the Tribunal Member that the orders they are seeking should be given. Any orders made are binding.

The Tribunal will not be able to determine your matter if it involves federal jurisdiction. Examples of when federal jurisdiction can come up are when parties live in different states, or when a matter involves laws made by the Commonwealth Parliament, such as the *Disability Discrimination Act 1992*.

See the Tribunal's federal jurisdiction fact sheet to learn more.

Need some help?

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