

Safety and security

Information for landlords

Smoke alarms

Most building fire fatalities occur while people are asleep. A smoke alarm is an effective early warning device designed to detect smoke and alert building occupants to the presence of a fire. Installed in the correct location, it increases the time available for safe escape.

Since 2006 when the Environmental Planning and Assessment Amendment (Smoke Alarms) Regulation 2006 came into effect, smoke alarms have been mandatory in all homes and other shared accommodation buildings where people sleep.

The Smoke Alarms Regulation specifies which types of buildings need smoke alarms installed, the types of alarms, where they are to be located and other matters. For more information visit the Smoke alarm page on the Fire and Rescue NSW website or the Department of Planning website.

Responsibilities of landlords and tenants under the Residential Tenancies Act are:

- landlords are responsible for installing smoke alarms in rented premises
- landlords have the right of access to rented premises to fit or maintain smoke alarms after giving the tenant at least 2 days notice
- neither the landlord nor the tenant are, except with reasonable excuse, permitted to remove or interfere with the operation of a smoke alarm fitted in the rented premises
- where a smoke alarm is of the type that has a replaceable battery, it is recommended that the landlord put a new battery in at the commencement of a tenancy

- after the tenancy begins, the tenant is responsible for replacing the battery if needed. Fire and Rescue NSW can assist elderly tenants or those physically unable to change a smoke detector battery
- the condition report includes a specific reference to smoke alarms so that tenants and landlords are able to note and comment on the presence of smoke alarms at the beginning and end of the tenancy.

IMPORTANT - Owners of residential property who rent out their premises as holiday accommodation are responsible for installing smoke alarms and replacing batteries.

Swimming pools and spa pools

As a landlord, if the property you are leasing has a swimming pool you need to ensure that the pool is fenced and meets pool fencing requirements. Please visit the Pool fencing requirements page on the Fair Trading website for further information.

Pool owners are required to register their pools on the NSW Government Swimming Pool Register. **From 29 April 2016**, all properties with a swimming pool or spa pool that are sold or leased must have a valid certificate of compliance or a relevant occupation certificate issued within the last three years. A copy of the certificate must be given to the tenant/s or attached to the sale contract. Visit the Swimming pools page on the Fair Trading website for further information about how to register and obtain a compliance certificate.

Window and balcony safety

Each year, around 50 children fall from windows or balconies in Australia. Many suffer serious injuries. Sometimes these falls are fatal.

There are a number of simple, commonsense steps you can take to reduce this risk. For example locks or guards

can be fitted to windows so that they cannot be opened more than 12.5cm, except by an adult.

In NSW, all residential strata buildings must be fitted with window safety devices so that the maximum window opening can be limited to less than 12.5cm. The devices must be able to withstand a force of 250 newtons (which is equal to 25 kilograms of force), and if the device can be unlocked or disengaged it must have a child resistant mechanism.

Landlords should check the condition of the window safety devices during routine inspections and in the condition report. If the window safety device is damaged or missing, the landlord must organise for repairs to be undertaken as soon as possible.

In strata schemes, the maintenance and repair of window safety devices is the responsibility of the owners corporation. However, the owners corporation can adopt a common property rights by-law which confers the right and obligation to install and maintain any locking or safety device to individual lot owners. Landlords should check with their owners corporation if this by-law has been adopted.

The NSW tenancy laws require landlords to provide and maintain locks and security devices to make the premises reasonably secure. Landlords cannot unreasonably refuse permission for tenants to make minor changes to rental premises, such as installing child safety window locks.

There is no obligation for landlords to monitor or enforce the use of window safety devices. Occupants are therefore free to open their windows fully if they wish to do so. While it is up to occupants to decide when to engage the devices, NSW Fair Trading strongly recommends that people use window safety devices when children are present and on all common access areas, such as stair landings.

Go to the Window and balcony safety page on the Fair trading website for more information.

Security

Landlords must provide and maintain locks or security devices to ensure that the premises are reasonably secure. What is reasonably secure will vary in different situations.

The likelihood the premises may be broken into will have a bearing on the type and standard of locks needed to make a property reasonably secure. This will depend largely on the area in which the premises are located. The level of security needed for a ground floor unit may be greater than for a unit on an upper level.

Landlords do not have to make the property so secure that the premises can never be broken into. The requirements of insurance companies are not the sole test of what is 'reasonably secure', but are merely one factor to be taken into account.

Tenants can change or add locks or security devices with the landlord's consent, or if it is reasonable to do so, such as in an emergency (eg. if the premises have been burgled and keys are missing or if their key breaks off in the lock). The tenant should give the landlord a copy of the new key within seven days. If the premises are not reasonably secure, tenants should raise this matter with the landlord or agent as soon as possible.