

## 02

# MINIMUM STANDARDS ENFORCEMENT

Residential Tenancies Act 2010 (NSW) — Section 52

*Your right to a home that is fit to live in — for the whole tenancy, not just at move-in*

## WHEN TO USE THIS BUNDLE

Use this bundle when the property fails a minimum standard — no hot water, persistent mould, unsafe electrical, broken locks, inadequate ventilation — whether at move-in or any time during the tenancy.

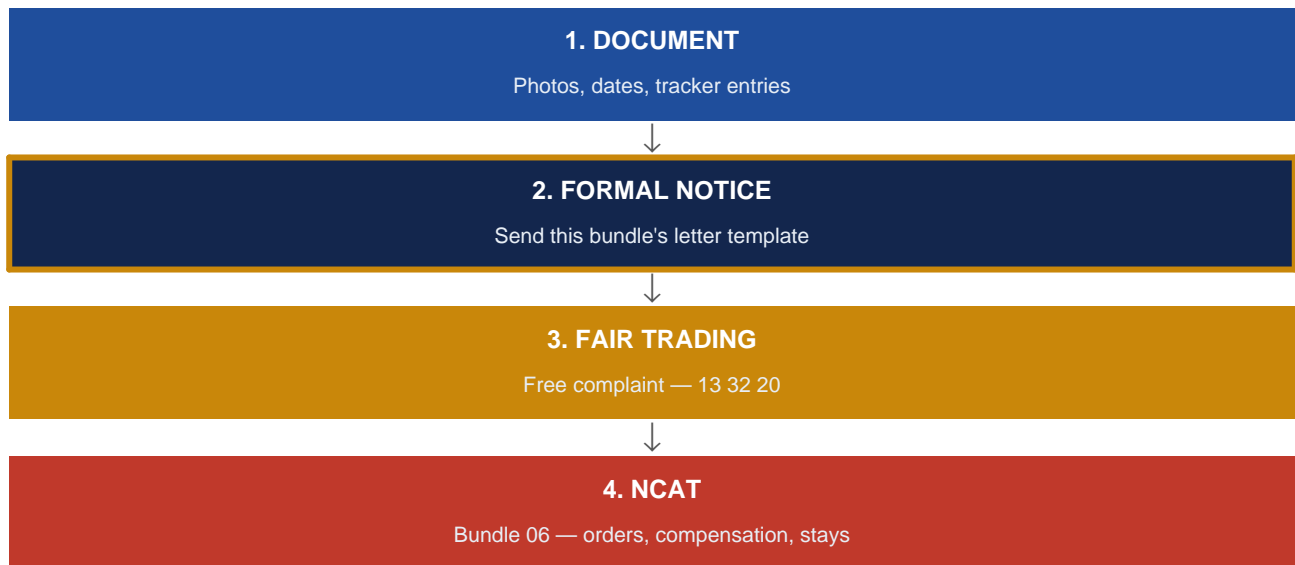
## KNOW THE LAW — FIT FOR HABITATION AND THE MINIMUM STANDARDS (S.52)

Under s.52 the premises must be fit for habitation and meet the minimum standards: structurally sound; adequate natural or artificial lighting; adequate ventilation; supplied with electricity or gas with adequate sockets; adequate plumbing and drainage; connected to a water supply with hot and cold water; and private and secure bathroom facilities. This obligation runs for the entire tenancy — a property that degrades below the standards puts the landlord in breach, and no lease clause can contract out of it.

## THE MINIMUM STANDARDS CHECKLIST

STANDARD	COMMON BREACHES
Structurally sound	Rising damp, rotting floors, roof leaks, unsafe balconies
Ventilation	Windows that don't open, no exhaust fans, persistent mould
Lighting	Rooms without adequate natural or artificial light
Electricity / gas	Unsafe wiring, too few sockets, faulty switchboards
Plumbing & hot water	No or intermittent hot water, blocked drains, leaks
Privacy & security	Broken locks, doors or windows that don't secure

## HOW THE SYSTEM WORKS — YOUR ESCALATION PATH



*The highlighted box shows where this bundle fits in the journey.*

## 02

**STEPS TO SUCCESS**

Residential Tenancies Act 2010 (NSW) — Section 52

**01 Walk the property against the checklist**

Do it at move-in and whenever something degrades. Photograph every failure with a timestamp — mould, failed hot water, and unsafe electrical are the most common and most winnable breaches.

**02 Report the breach in writing, citing s.52**

Name the standard that is failing and describe the failure specifically. Vague complaints are easy to ignore; a s.52 citation is not.

**03 Set a reasonable rectification timeframe**

14 days is standard for non-urgent standards failures. If the failure makes the property unsafe or cuts an essential service, treat it as an urgent repair — use Bundle 05 instead.

**04 Lodge a free Fair Trading complaint if ignored**

13 32 20 or [fairtrading.nsw.gov.au](http://fairtrading.nsw.gov.au). Fair Trading contacts the landlord directly and resolves many standards complaints without a hearing.

**05 Apply to NCAT if still unresolved**

NCAT can order rectification, compensation, and a rent reduction backdated to when the breach arose. Use the NCAT Application Pack (Bundle 06) with your checklist and photos.

**IF YOU NEED TO ESCALATE — WHAT NCAT CAN ORDER**

NCAT can order the landlord to bring the premises up to standard by a set date, award compensation for the period you lived with the breach, and reduce your rent retroactively. A dated photographic record against the statutory checklist is the strongest evidence you can bring.

**★ GOOD TO KNOW — MOULD IS USUALLY A STANDARDS BREACH**

Persistent mould almost always traces to a ventilation or structural failure — which makes it the landlord's problem under s.52, not a 'cleaning issue' to pin on you. Photograph it, report it in writing, and reject any suggestion that you caused it without evidence.

**■ CRITICAL — THE STANDARDS APPLY FOR THE WHOLE TENANCY**

Fitness for habitation is not a move-in test. If the hot water fails in year two, or mould spreads in winter, the landlord is in breach the day it happens. Report it the day you find it.

**■ CRITICAL — NO LEASE CLAUSE CAN REMOVE THESE RIGHTS**

The minimum standards cannot be contracted out of. Any lease term that purports to make you accept a property below the standards, or maintain it to them at your cost, is void.

**1. COPY**

Copy the letter below into a new email

**2. FILL**

Replace every **[bracketed]** field with your details

**3. SEND**

Email it — request a read receipt, save a copy

Fill in every **[bracketed]** field, attach photos, then send via email — request a read receipt.

**SUBJECT:****FORMAL NOTICE — BREACH OF MINIMUM STANDARDS (s.52): [Insert Property Address]**

I am writing to formally notify you that the above premises do not meet the minimum standards required by Section 52 of the Residential Tenancies Act 2010.

**1. PARTICULARS OF THE BREACH**

- Standard not met: **[e.g., adequate ventilation / hot and cold water supply / premises structurally sound]**
- Details: **[Describe the failure specifically — e.g., 'black mould across the main bedroom ceiling; the bedroom window is painted shut and there is no functioning exhaust ventilation.']**
- Date first identified: **[Insert Date]**. Dated photographs are attached.

**2. YOUR STATUTORY OBLIGATION**

- Under Section 52, the premises must be fit for habitation and meet the minimum standards for the duration of the tenancy. This obligation cannot be excluded by the tenancy agreement.
- I require rectification within a reasonable period — which I consider to be **[e.g., 14 days]** given the nature of the failure. If any element is urgent, it must be addressed as an urgent repair.

**3. ESCALATION PATH**

- If rectification is not commenced within the stated period, I will lodge a complaint with NSW Fair Trading and apply to NCAT for rectification orders, compensation, and a rent reduction under Section 65.
- All evidence — dated photographs, this notice, and all correspondence — is being maintained in a chronological evidence index.

Yours sincerely,

**[Your Full Name]**

**[Property Address]**

**[Date]**

**[Contact Number / Email]**