Rental agreements and rights for landlords and tenants is a topic that is usually a bit of a grey area, with plenty of stories of landlords and tenants doing the wrong thing.

Who is responsible for a leaking tap, and what is fair when it comes to damage vs. wear and tear in a tenancy arrangement? We explore this topic in this article and provide valuable information on where the responsibilities fall for each party.



What are the rights and responsibilities of tenants and landlords?

The rights of both parties will be outlined in the legally binding tenancy agreement signed and provided upon the commencement of the tenancy.

It is important that both parties review and understand all of the outlined information in the tenancy agreement to ensure there are no surprises in the event of repairs, maintenance, and even ongoing maintenance of the property.

The law and the state rental legislation can be found within the tenancy agreement and the document will outline everything both parties should be aware of, from emergency plumbing contacts, through to who covers the water bill, the condition report, and much more.

In these cases, an emergency plumber should be called to help solve the plumbing issue and minimize the damage.

Who is at fault if there is a plumbing emergency in a rental property?

Plumbing emergencies are a pain, no matter what the situation, and it should be very clear of what the tenant covers in this situation and what the landlord needs to pay for in a plumbing emergency.

Be aware that if the following issues are usually covered by the landlord in the residential tenancy act:

- Broken or burst pipes
- Broken or blocked toilets or sinks
- Burst water services
- Flooding of the property
- Leaks in the roof
- Leaking tap
- Storm damage to the property

In these cases, an emergency plumber should be called to help solve the plumbing issue and minimize the damage.

When is a plumbing issue emergency and when is it maintenance?

According to 5 Star Plumbing, “If the issue is considered maintenance and non-urgent, this is also carried out on the landlord’s behalf, however, it is not usually taken care of by an emergency plumber and usually sorted in around 48 hours or so.”

The landlord has a responsibility to ensure the property is safe for the tenant, and while

there may be ongoing repairs and maintenance, if the issue is caused by misuse on the tenant’s behalf, they can be sent the bill for repairs.

You can check with a plumber to see if the repairs are something that needs to be actioned immediately or if they can wait to be accessed by the landlord and taken care of by a registered plumber within 2 days. Landlords do have a duty of care, and it is important to note, if repairs or maintenance are not attended to in a timely fashion, the landlord can be slapped with fines.