

**Submission
No 15**

**RESIDENTIAL TENANCIES AMENDMENT (PROHIBITING NO GROUNDS
EVICTIONS) BILL 2024**

Organisation: Marrickville Legal Centre

Date Received: 26 June 2024

Residential Tenancies Amendment (Prohibiting No Grounds Evictions) Bill 2024

Marrickville Legal Centre

26 June 2024

About Marrickville Legal Centre

Marrickville Legal Centre (MLC) has provided legal services to vulnerable and disadvantaged members of its community for over 40 years.

MLC operates two tenants' advice and advocacy services, the Inner West Tenants' Advice & Advocacy Service (IWTAAS) and the Northern Sydney Area Tenants' Service (NSATS). The combined services (the Services) assist tenants across the Inner Western and Northern Suburbs of Sydney, from Strathfield to Berowra. The Services offer free legal services to private and social housing tenants, boarders, lodgers, and residential community residents. The Services work to improve the rights of tenants in NSW.

In 2021-2022, the Services assisted more than 2600 tenants. The Services regularly represent tenants at hearings before the NSW Civil & Administrative Tribunal (the Tribunal) and provide outreach services to vulnerable clients at various locations within our catchment.

Through our work in the community, we approach our clients with a view of holistic legal provision and a person-centred approach. While our tenancy advice and advocacy services are often the first port of call for clients with housing issues, we also provide internal referrals to clients with various needs through our Legal Health Check. Our Health Justice Partnership also ensures access to vulnerable clients within the health system. MLC remains actively engaged with other legal and non-legal services in the community.

Marrickville Legal Centre has a long history of advocating for the rights of tenants, boarders, and lodgers. The recommendations outlined in this Submission draw on our experiences in the community and from feedback provided by the tenants we assist.

26 June 2024

Legislative Assembly Select Committee
nogroundsevictionsbill@parliament.nsw.gov.au

Dear Legislative Assembly Select Committee,

Submission from Marrickville Legal Centre on the Residential Tenancies Amendment (Prohibiting No Grounds Evictions) Bill 2024

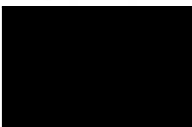
Marrickville Legal Centre (MLC) is pleased to support the submissions made by the Tenants Union of New South Wales in relation to the above-mentioned bill. We also refer to our previous submissions to the NSW Fair Trading Enquiry on improving NSW rental laws in August 2023 and continue to support the recommendations we have made in relation to the enquiry.

Through our experience of advocating for the rights of tenants, boarders and marginal renters, MLC draws on this experience to provide feedback and experience from our clients.

MLC operates two tenants' advice and advocacy services, the Inner West Tenants' Advice & Advocacy Service (IWTAAS) and the Northern Sydney Area Tenants' Service (NSATS). The combined services (the Services) assist tenants across the Inner Western and Northern Suburbs of Sydney, from Strathfield to Berowra. The Services offer free legal services to private and social housing tenants, boarders, lodgers, and residential community residents. The Services work to improve the rights of tenants in NSW.

The recommendations outlined by the Tenants Union of New South Wales are supported by MLC as they draw on the experiences in the community and from feedback provided by tenants throughout New South Wales.

Yours Sincerely,



Justin Abi-Daher
Principal Solicitor

MARRICKVILLE LEGAL CENTRE



Recommendations

Marrickville Legal Centre supports the relevant recommendations made by the Tenants' Union of New South Wales (the **Tenants' Union**), namely:

1. Introducing Additional Genuine Reasons for Eviction: Ensure all evictions require a valid, contestable reason. Introduce new valid grounds to ensure landlords are able to still end tenancies for these reasons. These grounds should be limited to:

- Landlord or Immediate Family Moving In
- Demolition and reconstruction of a property
- Change of Use

2. Ending 'No Grounds' Evictions: Remove the provisions for eviction for 'no grounds' for all renters, i.e. renters in periodic tenancy agreements and in fixed term tenancy agreements. Specifically remove the termination provisions at section 84 and 85 of the Residential Tenancies Act.

3. Evidence Requirements: Require landlords to provide documentary evidence for all termination grounds and empower renters to challenge insufficient evidence.

4. Penalties and Compensation: Introduce a tiered penalty system for false or misleading use of eviction grounds and allow tenants to seek compensation for wrongful evictions.

5. Temporary Bans on Re-letting: Implement temporary bans on re-letting to prevent misuse of eviction grounds.

6. Tribunal Discretion: Ensure the Tribunal has discretion to decline termination if it deems the eviction unreasonable or disproportionate