# Renting: during your tenancy

While you’re living in a place, make sure that you **communicate with the person you’re renting from in writing** (letter, email, text, messaging) and keep copies, in case there are any issues later on.

You can find [lots of information](http://www.tenants.org.au/) about how to deal with various issues that arise during your tenancy. But one thing that many tenants need to discuss with us is what to do about an infestation of vermin, such as **cockroaches**, **mice**, or **other pests**.

## Is your rental property infested with pests?

Under tenancy law, the question of who is responsible for dealing with this problem can be tricky. Depending on the individual case, it may be either your landlord’s responsibility (as part of their obligation to provide habitable premises and maintain them in a reasonable state of repair), or it may be your responsibility as the tenant (as part of your obligation to keep the premises reasonably clean).

### Establishing that it’s not your fault

As a first step, try to deal with the infestation through your own ordinary cleaning. This is important because if the problem returns soon after ordinary cleaning, you’ll have evidence that it didn’t arise from your own failure to keep the premises clean. Make sure you record dates and take photos of:

1. the pest infestation before you clean
2. the same areas after you’ve done your cleaning
3. the pest infestation when it returns.

If the infestation returns shortly after ordinary cleaning, you should treat it as a defect that the landlord should repair, and follow the steps for getting repairs done.

### Getting repairs done (to get rid of the pests)

The first step to getting the landlord or agent to deal with the vermin is to make sure that they know about it. As you may need to prove that you made a written request to them to try and resolve the issue, you should **notify them in writing**, and **keep a copy**. If they refuse to fix the problem, or don’t do it satisfactorily, you can [apply to NSW Fair Trading](https://www.fairtrading.nsw.gov.au/housing-and-property/renting/resolving-rental-problems#Repairsmaintenanceordamageadvice) to investigate whether the landlord has failed to provide and maintain the property in a reasonable state of repair. If Fair Trading agree, they will issue a rectification order to force the landlord to fix the problem. If Fair Trading is unable to resolve the issue you can [apply to NSW Civil and Administrative Tribunal (the Tribunal)](https://www.ncat.nsw.gov.au/ncat/case-types/housing-and-property/tenancy.html) for an order that the landlord or agent deals with the pest infestation. You also have the option of applying straight to the Tribunal without going to Fair Trading first.

[More information about dealing with pests and vermin](https://www.fairtrading.nsw.gov.au/housing-and-property/renting/during-a-tenancy/health,-safety-and-security)

[More information about getting repairs done and sample letters](https://www.tenants.org.au/factsheet-06-repairs-and-maintenance)

## Disclaimer

This information is current as at December 2020 and is intended as a guide to the law as it applies to people who live in or are affected by the law as it applies in NSW. It does not constitute legal advice.

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