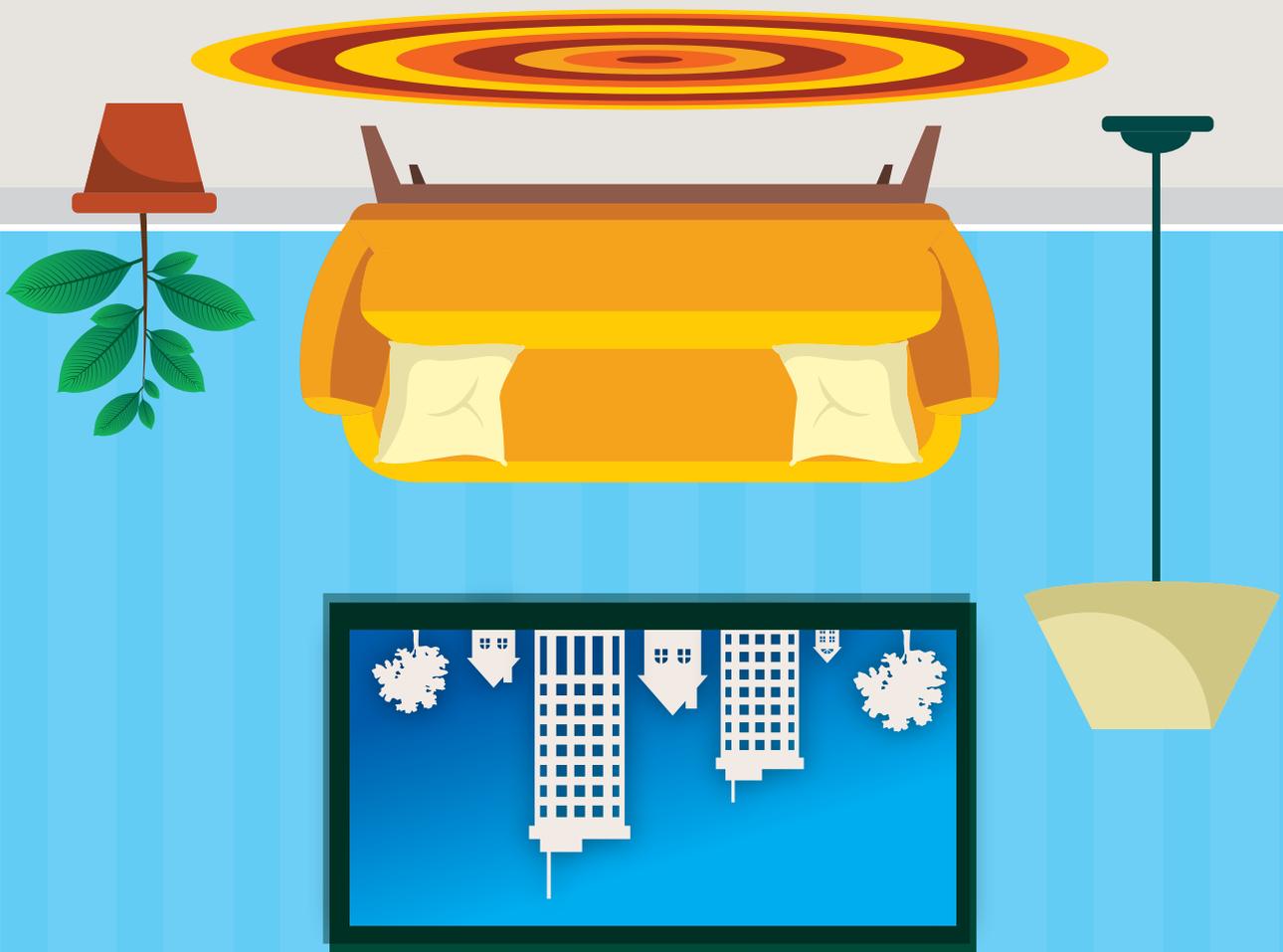


# LIVES TURNED UPSIDE DOWN

NSW renters' experience of 'no grounds' evictions



**TENANTS'  
UNION**  
OF NEW SOUTH WALES



Marrickville Legal Centre

# ACKNOWLEDGEMENTS

## ACKNOWLEDGEMENTS

*We acknowledge the traditional owners and holders of knowledge of the land and pay respect to all Elders past, present and future. These owners were evicted from their own land and this displacement has ongoing impacts today.*

*This report was prepared on the lands of the Gadigal and Wangal of the Eora Nation. Unlike other inhabitants, the majority of Aboriginal and Torres Strait Islander people living on the lands of the Eora Nation are renters.*

A report by the **Tenants' Union of NSW** and **Marrickville Legal Centre**  
March 2019

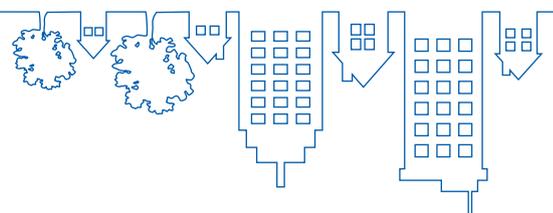
### Survey design and analysis

- Natasha Capstick, Student Researcher, **University of Technology Sydney**
- James Gardiner, Student Researcher, **University of Technology Sydney**
- Julia Murray, Inner West Tenants Advice and Advocacy Service, **Marrickville Legal Centre**
- Jemima Mowbray, **Tenants' Union of NSW**
- Leo Patterson Ross, **Tenants' Union of NSW**

Certain graphics used in this report were created by **Freepik** – freepik.com

We extend our special thanks to the **635 respondents** who completed the survey which made this report possible.

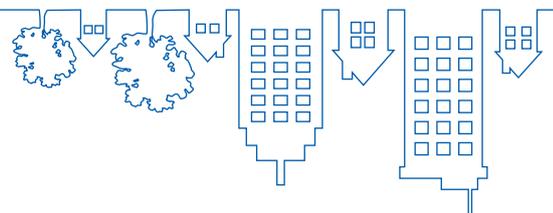
Note that some tenant names have been changed in this document to protect privacy. The demographic profile of the tenant remains unchanged.



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# ABOUT US

## ABOUT US

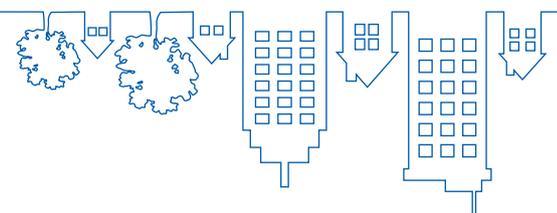


**The Tenants' Union of NSW** is the peak body representing the interests of tenants in New South Wales. We are a Community Legal Centre specialising in residential tenancy law and policy, and the main resourcing body for the state-wide network of Tenants Advice and Advocacy Services (TAASs) in New South Wales.

We have long-standing expertise in renting law, policy and practice. This research forms part of our ongoing commitment to hear directly from those living in homes which they rent and promote policy and law reform which addresses their needs.

The Inner West Tenants Advice and Advocacy Service is a service of **Marrickville Legal Centre**, a community legal centre that has been operating for forty years.

We have provided advice, advocacy and legal representation to thousands of tenants and vulnerable renters in Sydney's Inner West. Our service has a long history of working to improve the rights of the renters we represent.



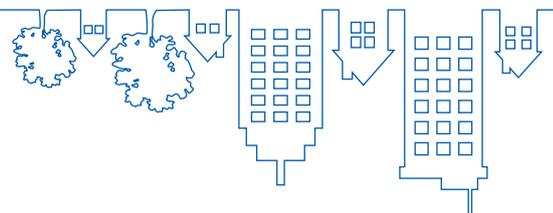
# SUMMARY AND KEY FINDINGS

## SUMMARY AND KEY FINDINGS

**In September – October 2018 we surveyed NSW residents about the impact of forced evictions. Over 600 people who were currently renting or had previously rented responded to our online survey. We asked them about their understanding of and experience of 'no grounds' evictions, and the ongoing impact of these on their current rental experience and expectations.**

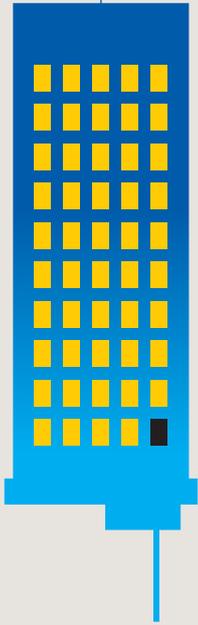
### What we found

- **Renters move more often.** 85% of renters surveyed had moved in the last five years. Just under half of all renters (45%) had moved in the last 12 months, and they were three times more likely to have moved than their non renting counterparts.
- **Renters value security and stability.** 98% of all renters surveyed placed high value on housing security and stability. The high value placed on housing security and stability was shared across renters and those who owned their own home.
- **Forced moves turn lives upside down.** Renters reported evictions took their toll in numerous ways – most significantly in terms of the financial and emotional costs a move entailed. Renters quoted figures in the thousands of dollars for removalists, cleaning, and bond in advance, and worried about the increased rent they might expect to pay in a new rental property in the same general area. They described high levels of stress and anxiety around the upheaval to their lives, and talked about time stolen in order to find, apply for and successfully secure appropriate new rental housing.
- **Renters hold back from reporting problems.** Renters told us the potential for a 'no grounds' eviction has a profound impact for them. Six out of ten renters reported 'no grounds' evictions significantly affected how they interacted with their landlord. Just over three quarters of renters told us they held back from asserting a right or reporting a problem because they worried about receiving a 'no grounds' eviction.
- **Renters feel anxious about insecure tenancies. This fear is exacerbated where they have direct experience of a 'no grounds' eviction.** The majority of renters (63.9%) said the possibility of a 'no grounds' eviction was a significant source of anxiety. Personal experience of a 'no grounds' eviction substantially increased the likelihood and seriousness of concern reported. 74.6% of renters with experience compared with 52.7% of renters with no experience of 'no grounds' evictions identified 'no grounds' evictions as a significant source of anxiety.
- **Strong support for change** Almost nine in ten respondents did not believe landlords should have the ability to end a tenancy for no reason. Over half of respondents who owned property, some of whom rented and some who had never rented, also supported the notion that a landlord should be required to give a reason for ending a tenancy.



## Key statistics

**98%** of renters value housing security and stability.



Landlords should not be able to evict someone without a reason, according to **90%** of respondents.



**60%** of renters report the threat of a 'no grounds' eviction significantly impacts their relationship with their landlord.



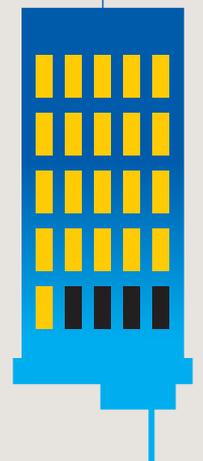
**75%** of renters have held back from reporting a repair or problem for fear of eviction.



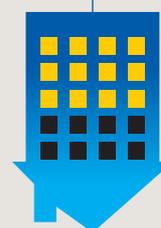
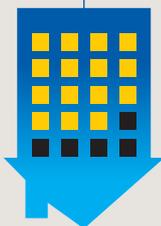
**90%** of renters report that they'd experience significant financial costs, emotional toll, anxiety and stress if forced to move.



Of those who've experienced a 'no grounds' eviction, **84%** have held back from reporting a repair or problem, for fear of eviction.



**75%** of those who've experienced a 'no grounds' eviction, and over **60%** of all renters, report the possibility of receiving a 'no grounds' eviction is a significant source of anxiety for them.



# RECOMMENDATIONS

## RECOMMENDATIONS?

### End unfair 'no grounds' evictions

This survey reinforces the already well-documented need to end 'no grounds' notices and replace them with a fair and balanced system of reasonable grounds. The results and experiences reported also make clear the need to ensure mechanisms are in place to ensure that the reasonable ground system prevents misuse. Significant compensation should become payable to tenants who are evicted where the reasonable ground turns out to be false. Criminal penalties should also apply to intentionally misleading activity.

### Implement a bond exit survey

One of the biggest problems for policy debate on this issue is the lack of authoritative data upon which decision-makers and analysts can draw. NSW's Rental Bond Board could implement and manage a mandatory 'bond exit survey' at the point of application for the release of bond at the end of a tenancy. We recommend three simple questions aimed at discovering the legal basis for the tenancy ending and the weekly rent at the end of the tenancy. This would create an authoritative data set which exists nowhere else in the Australian, potentially global, housing data environment. It would allow for vastly improved understanding of why and how tenancies come to an end.

### Consider licencing and 'fit for purpose' test for landlords

Both the responses to this survey and others such as *Disrupted* and the BankWest Curtin *Private Rental Sector in Australia*

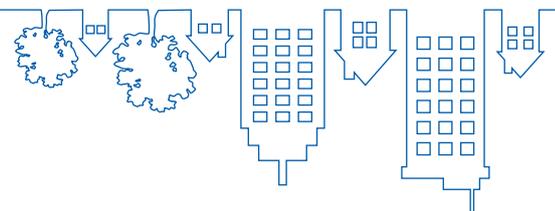
make clear that there is a gap between landlords' legal responsibilities and what tenants actually experience. This is leaving a large number of tenants living in poorly maintained dwellings.

This survey demonstrates that removing the chilling effect of 'no grounds' evictions on a renter's ability to request and follow up on repairs is one part of improving the housing quality of rented homes in Australia. However we still need to further explore the motivations of those landlords who have legal obligations to maintain premises and do not undertake those required repairs and maintenance work.

There is a clear need to ensure landlords are both educated in their obligations and act on them. It is apparent that the real estate agent profession is either unable or unwilling to exert enough pressure on the landlord they represent to comply with their obligation to undertake repairs and maintain their rental property. Further, while real estate agents represent a majority of landlords, there are a substantial number of landlords who self-manage. Regulatory focus must turn to the landlords themselves.

Serious consideration should be given to a registration scheme ensuring that a landlord is meeting certain minimum standards.

Landlords should be financially viable, with sufficient funds to ensure premises are kept in a reasonable state of repair, and provided fit for habitation. There is reason to be concerned at the large amount of debt being carried by landlords in NSW and the impact this has upon their ability to uphold their side of their legally binding contracts.



# CONTEXT

## COMPLEX

### The insecurity renters face

Over 2 million people in NSW rent their homes, almost a third of all households (ABS, 2016). Many of these are families with children, as well as an increasing number of older people, and people sharing homes. The number of people renting in NSW continues to grow and at the same time they are living in rental housing for longer. A third of all private renters are long-term renters who have been renting continuously for 10 years or more. Many have no expectation of future home ownership; they imagine they will be renting for life.

Renters deserve safe, secure and affordable housing. However, we know people who rent their home do not experience the same security and comfort in their homes as owner-occupiers (home owners).

A key aspect of this is the legal insecurity of tenure renters currently have under current NSW residential tenancy laws. In NSW, if you rent you can be evicted without being given a reason. Sections 84 and 85 of the *NSW Residential Tenancies Act 2010* (RTA 2010) allow a landlord to issue what is called a 'no grounds' eviction notice at the end of a fixed term lease or once the lease is outside of a fixed term. A significant number of renters who receive a 'no grounds' eviction notice are evicted in retaliation (for asserting a right) or because of discrimination.

It is very difficult for a tenant to challenge a 'no grounds' eviction.

The NSW Civil and Administrative Tribunal (NCAT, the Tribunal) has almost no discretion when considering an application on these grounds, regardless of the circumstances of the case or the hardship the eviction would cause. The Tribunal is permitted to exercise a discretion and refuse to end the tenancy if a tenant is able to prove retaliatory eviction and the Tribunal considers it appropriate to refuse the eviction. The existing provisions (section 115 of the RTA 2010) are limited in their definition of 'retaliatory' and are generally interpreted by Tribunal in a narrow manner. The case law around this makes clear that as a discretionary power, even in situations where the Tribunal is convinced the eviction is retaliatory, the discretion does not have to be exercised.

'Security of tenure' has elsewhere usefully been outlined as "the extent to which households can make a home and stay there for reasonable periods if they wish to do so, provided that they meet their obligations" (Hulse et al. 2011, p. 1). Identifying the impacts of rental insecurity involves both understanding the legal nature of the insecurity of tenure renters face, as well as how this challenges their ability to feel comfortable, safe, and 'at home' in a rental property, and to find their place within the wider community.

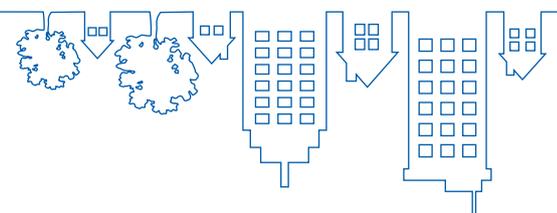
The *Residential Tenancies Act 2010* was subject to statutory review in 2015, and amending legislation resulting from the recommendations of the review passed through NSW

***"Being forced to move is difficult in almost all aspects of life; study, work, friends or even your favourite corner stores. It can be hard to adjust."***

– Josh, 23,  
Campbelltown

***"Although I have been able to live here for a long time, I never forget that I'm a tenant and that something could happen that would have me looking for another place to live without much time to do so, and without any reason."***

–Lauren, 65,  
Berrima



Parliament in October 2018. However, no reforms to address the problem of 'no grounds' eviction were introduced, despite recognition of the problem from Government and widespread agreement on the need for change from housing and tenancy advocates, academics and researchers (Open letter, *Conversation*, 2018). Victoria recently passed legislation which limited the use of 'no grounds' evictions (known as 'no reason' in that state) to the end of the first fixed term. It is unknown yet what impact this will have when the provisions come into force. Both Queensland and ACT governments may be considering reform on the issue in 2019 and significant community pressure is being placed upon them to do so.

The impacts of 'no grounds' evictions are well known to those who rent, advocate for renters, or research the rental sector. However, collecting clear data on impact has been difficult for a number of reasons. In terms of tracking prevalence of use by landlords there is currently no clear data set that can accurately be used to establish this. Landlords and real estate agents are not required to notify NSW Fair Trading when a tenancy is terminated or the reason it ends. This information is partially collected in situations where official intervention is required in order to resolve a tenancy disagreement.

The NSW Civil and Administrative Tribunal does not publish statistics relating to the results of tenancy matters, and very limited data concerning applications. They do not in general publish most decisions

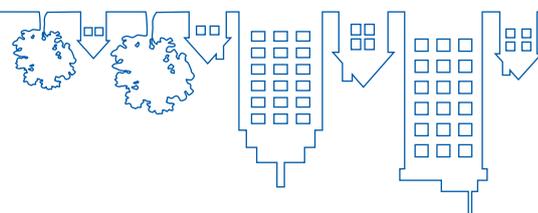
made in the Consumer and Commercial Division – just four of the nearly 30,000 matters determined in 2017/18 financial year were published. Appeal Panel decisions generally are published unless the Tribunal considers there to be a good reason not to do so, but this is a small number – around 48 in the year cited the *Residential Tenancies Act 2010* and were not identifiably social housing decisions.

Currently the best indication of frequency of use and impact can be drawn from the results of two national surveys, each of over 1,000 renters, commissioned by CHOICE, National Shelter, and The National Association of Tenant Organisations (NATO) undertaken in 2017 and again in 2018. The reports from those surveys – *Unsettled* (2017) and *Disrupted* (2018) – looked closely at the experience of renting in Australia finding renters often face discrimination, are worried about insecure tenancies, and feel they must tolerate poor quality or substandard housing (mould, water leaks, flooding) or a landlord's failure to undertake required repairs or risk losing their home. The surveys found between eight and ten per cent of Australian renters surveyed had experienced a 'no grounds' eviction.

A significantly higher number of the 600 renters who took part in our survey had experienced a 'no grounds' eviction (40.9%, see page 15 for further discussion). The survey was advertised through the Tenants NSW website and on social media pages and communication lists of both the Tenants' Union NSW and Inner West Tenants Advice and Advocacy Service.

***“The biggest impact is the anxiety that comes with instability of rentals in this economy. I’m afraid to ask for essential repairs in my current rental in case they raise our rent again or evict us. Not knowing if or when we’ll have to leave is quite unsettling.”***

– Hayley, 29,  
Coutts Crossing



It is not unexpected that we had a higher number of respondents with direct experience. The discrepancy between our result and the two previous surveys undertaken by CHOICE et al raises the need for more accurate and reliable data on this subject.

This gap in knowledge highlights the need for the creation of an authoritative data set concerning the number of evictions, and other ends to tenancies, in NSW. One of our key recommendations concerns the creation of a bond exit survey to address this gap. Crucially, this data must be open and allow for transparent debate of the results and potential solutions.

This survey extends on the results and analysis of the two recent national survey of renters and resulting reports *Unsettled* and *Disrupted*. We asked NSW renters more specifically and in greater depth about their understanding and experience of 'no grounds' evictions, their concerns for the stability and security of their home, and their support for tenancy reform to remove the provisions allowing landlords to evict someone without providing a reason.

## **What has been (or would be) the most significant impact of being forced to move?**

***"The effect on our son, who has already moved five times and he is only five."***

– Kate, 34, Merriwa

***"The feeling of having no control over my life."***

– Carlin, 39, Glebe

***"The emotional impact of not knowing where I would be going or if I could afford it, the possibility of being homeless"***

– Ian, 24, Baulkham Hills

***"It's very disruptive. Have to get time off work to sort stuff out and find a new place."***

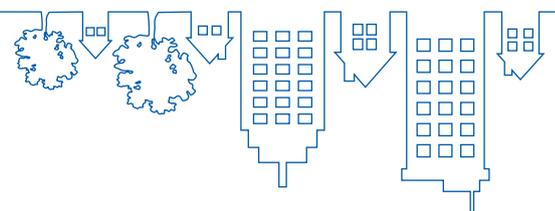
– Sasha, 29, Matraville

***"The financial cost of moving so often, usually because the landlord sold the house."***

– Sonali, 48, Brunswick Heads

***"Having to pay more for less as prices just keep going up."***

– Martha, 56, Tuncurry



# SURVEY SCOPE AND METHODOLOGY

## SURVEY SCOPE AND METHODOLOGY

### Survey design and distribution

The survey was designed by Julia Murray of the Marrickville Legal Centre and two student researchers at the University of Technology Sydney, James Gardiner and Natasha Capstick, with input from the policy team at Tenants' Union of NSW. The survey sought to understand:

- renters' housing mobility and instability
- renters' awareness and experience of 'no grounds' evictions;
- the costs involved in forced evictions;
- the impact of the use of 'no grounds' evictions on the tenant/landlord relationship; and
- community (renter/landlord) attitudes/expectations regarding 'no grounds' evictions

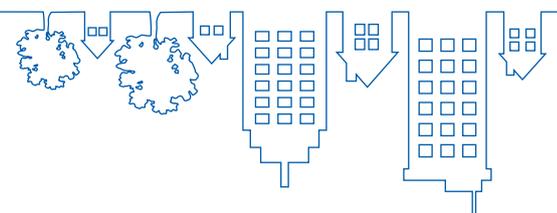
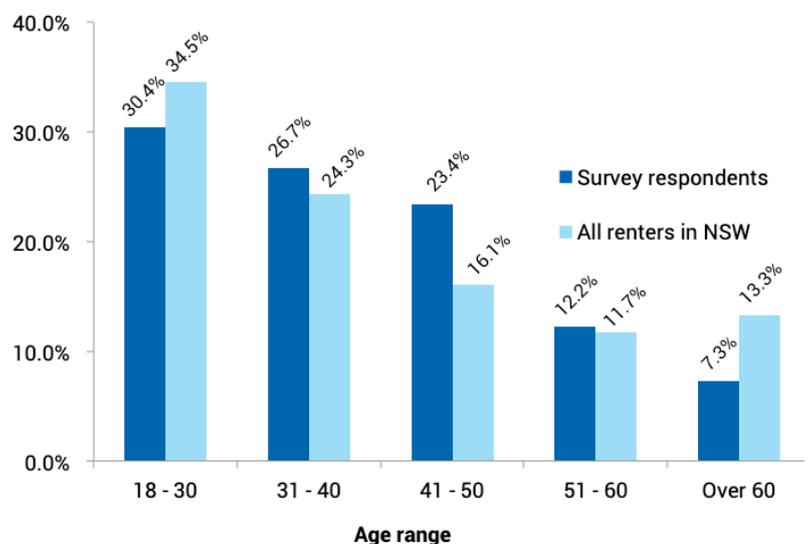
The survey was undertaken online from 18 September 2018 to 2 October 2018. The online survey was shared primarily via the social media pages of involved research partners, as well as a number of relevant online community group pages on social media. It was also sent through to the email list of Inner West Tenancy Advice Service, which includes renters who have previously sought legal advice about their tenancy from the service.

635 people responded to the online survey. 601 were currently renting or had previously rented in NSW. They completed the survey in full, answering 18 questions on mobility, evictions and the costs involved, and the general impact of 'no grounds' evictions on

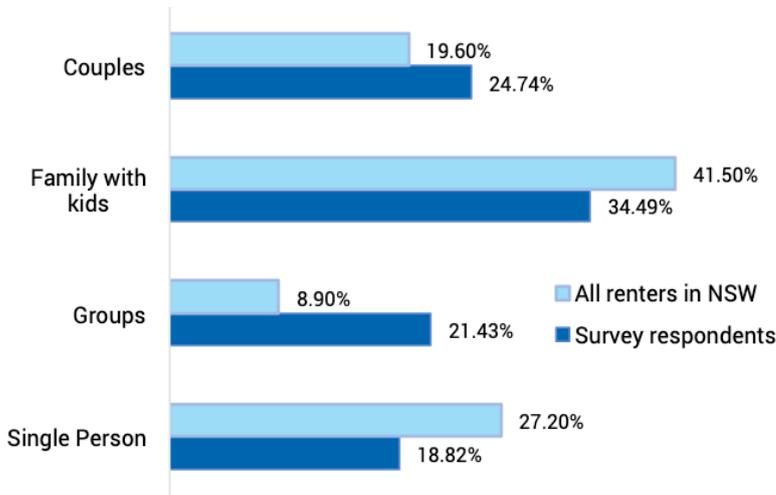
their renting experience. The remainder (34) had never rented and completed a shortened version of the online survey. This captured their housing mobility as well as their awareness and attitude towards 'no grounds' evictions – for comparison to other respondents. Basic demographic and background information was collected for both groups. Of those who took part, 622 were currently located within NSW. The remaining 13 may have previously rented in NSW, but for certainty we have excluded them from the results here.

### Our data in context

The respondents to the survey are a generally representative sample compared to ABS Census 2016 figures. With reference to age, compared to the demographic profile of renters in NSW we had an over-representation of people aged 41-50, and under representation of people aged 18-30 and over 60 (see table below). The results presented in this paper are unweighted.

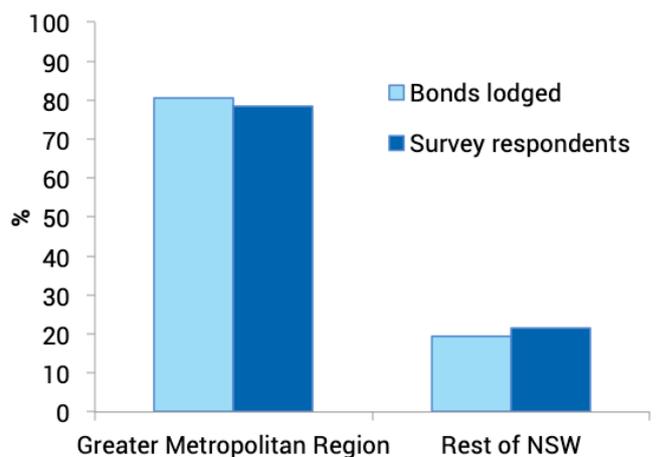
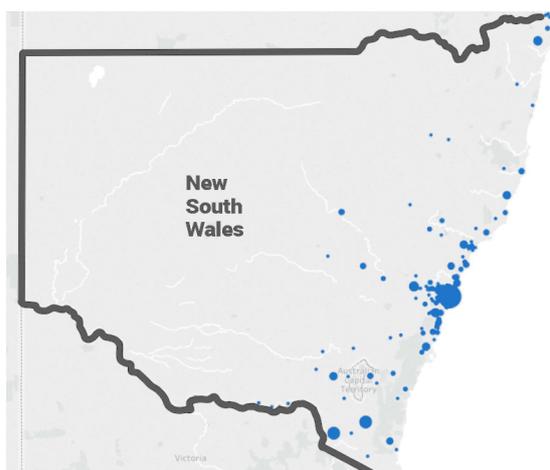


In terms of household composition, we had a notably higher response from renters living in group households and a higher response from couples, and underrepresentation of single person households and families with children.



Geographically, respondents aligned with NSW population trends with the majority of respondents located in the Greater Metropolitan Region, but significant response rates across regional NSW.

The proportion of survey respondents in the Greater Metropolitan Region broadly matched the proportion of bonds lodged in the region at June 2018. There is a slight under-representation from the Greater Metropolitan Region.

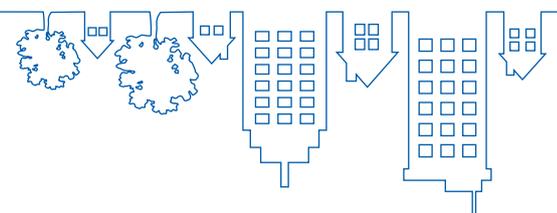


In order to ensure consistent responses we asked participants if they were aware of 'no grounds' evictions and provided the following definition:

*In NSW a landlord can evict a tenant without needing to provide a reason.*

*Sections 84 and 85 of the NSW Residential Tenancies Act 2010 allow a landlord to issue what is called a 'no grounds' eviction notice at the end of a fixed term tenancy agreement with 30 days notice or once the agreement is outside of a fixed term agreement with 90 days notice.*

We asked all respondents whether this was consistent with their own understanding, and if it had been different what it was. Only a very small number of respondents (13) indicated that they had held a different understanding. A larger number indicated they were unaware. However given the opportunity to explain and their later responses to questions it was apparent this was largely due to differences in language explaining the same phenomenon. The majority of respondents had a consistent understanding.



# WHAT RENTERS TOLD US

## MHVL RENTERS' LOGD 02

### Renters' experience of housing mobility

85% of renters surveyed had moved in the last five years. 44% of renters had moved three times or more in five years – an average of less than two years per home – compared to just 11% of people who had not been renting over the same period. 45% of current renters moved in the last year compared to 14% of non-renters. The high mobility of renters who took part in this survey aligns closely with previous research by CHOICE (CHOICE et al. 2018; CHOICE et al. 2017) and the most recent Australian Bureau of Statistics' reports (ABS, 2013 – 2014; ABS 2016).

Examining the data by age cohort demonstrates this higher rate of moving is unlikely to be by choice. Renters who may be expected to have more reason to seek stability, for example those aged over 50, were still more than three times (34%) as likely to have moved in the last five years as non-renters (11%).

Similarly the presence of children in the household made little difference to the number of moves in the previous 5 years. This strongly suggests the high number of moves by tenants cannot be attributed to choice.

### How many times have you moved in the last five years?

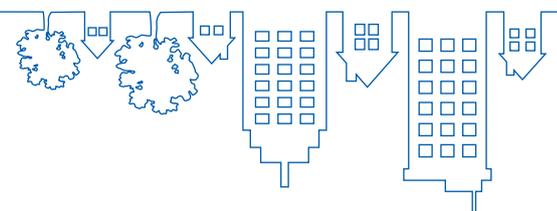
	Currently Renting		Have not rented in last 5 years	
<b>None</b>	62	13%	42	65%
<b>Once</b>	98	20%	11	17%
<b>Twice</b>	114	23%	5	8%
<b>3 times</b>	103	21%	2	3%
<b>4 times</b>	60	12%	3	5%
<b>5 or more times</b>	52	11%	2	3%

*“We’ve always rented. My ten-year-old son has lived in five houses! Stability is a pipe dream for tenants.”*

– Joanna, 45, Jindabyne

	Age group (current renters only)					
	18-30		31-50		50+	
<b>None</b>	6	4%	28	12%	28	27%
<b>Once</b>	23	15%	50	21%	25	25%
<b>Twice</b>	36	24%	63	26%	15	15%
<b>3 times</b>	36	24%	45	19%	22	22%
<b>4 times</b>	25	17%	29	12%	6	6%
<b>5 or more times</b>	23	15%	23	10%	6	6%

	Household includes children (current renters only)			
	Yes		No	
<b>None</b>	15	9%	47	14%
<b>Once</b>	35	22%	63	19%
<b>Twice</b>	40	25%	74	22%
<b>3 times</b>	32	20%	71	21%
<b>4 times</b>	20	13%	40	12%
<b>5 or more times</b>	16	10%	36	11%



When asked why they moved out of their last rental property over a third of those surveyed (35.6%) indicated their landlord had ended the agreement. Just under half (47.6%) reported they chose to end the agreement. A significant number of renters (17.2%) chose 'other' as the reason for the end of their tenancy. Many cited frequent rent increases, unsafe housing conditions, and the behaviour of landlords/real estate agents as reasons they felt 'forced' to leave their home.

For renters, certainly for those responding to our survey, it is clear that the question of choice in relation to moving is often much more complex than simply who legally serves notice. Initiating the end of a tenancy is often done by a renter out of necessity rather than genuine choice.

## Value placed on security and stability

98% of renters surveyed indicated that security and stability was valuable to them, with 87% nominating stability and security as 'very valuable'. There was no significant difference between the value placed on security and stability by renters and non-renters.

Housing researchers have usefully highlighted the importance of tenant autonomy as a significant aspect of housing security (Martin, 2018). They have made the point that improving security of tenure and housing stability for renters is not best addressed by fixing or locking tenants in place (i.e. securing occupation of rental premises via long fixed term tenancies).

In our survey there was no significant difference in the value placed on security and stability between renters who had initiated their most recent

move and those forced to move. This is in line with the idea that the value people who rent their homes place on security and stability reflects a desire for autonomy in determining the length of – and how long they stay in – their tenancy rather than simply longer contract periods.

## The cost of housing insecurity and forced evictions

An overwhelming majority of renters surveyed told us financial expense (89%), emotional toll and anxiety (90%), and the time commitment and stress involved in finding and securing new housing (91%) were key costs they had to consider when forced to move.

Many identified that a forced move often resulted in additional travel costs or a longer commute (57%), as well as likely disruption to their own sense of community and personal support network (53%). Over a quarter reported they had either experienced or would anticipate disruptions to their childcare or school arrangements (28%), or worried about losing access to their current local medical services or community supports (28.4%).

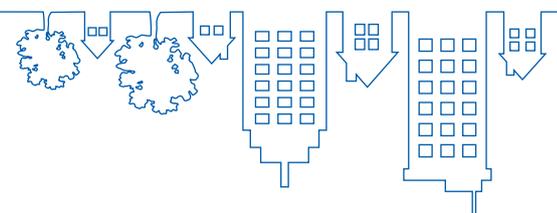
## Impact of 'no grounds' evictions

Renters told us the potential for a 'no grounds' eviction has a profound impact for them. 60.8% of all current renters indicated 'no grounds' evictions significantly affected how they interacted with their landlord, only 20% indicated they felt it didn't have an influence on this relationship.

Three quarters surveyed told us they had held back from asserting a right or reporting a problem because they were worried about receiving a 'no

***"We were given a no grounds notice and told by our landlord that the owner of the home wanted to move back into the property. When we moved out we found in fact that wasn't the case at all, they put the house back on the rental market but increased the rent by \$90 a week, not even giving me the option to pay the \$90 a week extra. They left me and my three young sons homeless."***

– Catherine, 32,  
Wollongong,  
Single parent



grounds' eviction. This is higher than found in the 2018 *Disrupted* survey, though *Disrupted* still found a significantly high proportion (44% of Australian renters; and 55% of NSW renters) had held back from reporting repairs for fear of eviction. The significantly higher number of renters holding back from asserting a right in our survey compared to the *Disrupted* report is very likely explained by the high number of respondents to our survey who had firsthand experience of a 'no grounds' eviction compared to those surveyed for *Disrupted*.

A high proportion of the renters we surveyed had either direct personal (40.9%) and/or second-hand (16.3%) experience of a 'no grounds' eviction. Of note, older renters surveyed – renters over 51, as well as those 31-50 – were more likely to have experienced a 'no grounds' eviction, possibly because they have been renting for a longer period than younger renters. Renters surveyed who estimated they were paying more than 30% of their income on rent were also much more likely to have experienced a 'no grounds' eviction.

What is your age?	Have you ever experienced a 'no grounds' eviction?					
	Yes		I know someone who has		No	
18-30	42	23.9%	29	16.5%	105	59.7%
31-50	145	48.8%	48	16.2%	104	35.0%
51 and over	59	46.1%	21	16.4%	48	37.5%

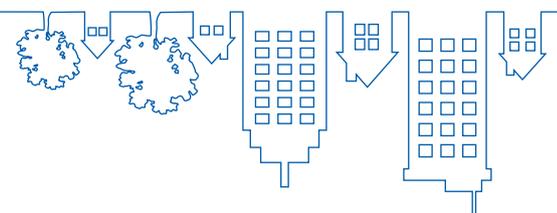
What proportion of income are you spending on rent?	Have you ever experienced a 'no grounds' eviction?					
	Yes		I know someone who has		No	
Under 20%	12	28.6%	9	21.4%	21	50.0%
20% to 30%	41	29.9%	28	20.4%	68	49.6%
30% to 50%	121	43.3%	46	16.5%	112	40.1%
Over 50%	72	51.1%	14	9.9%	55	39.0%

***“Financially I have spent more than \$5,000 in moving costs and storage. Emotionally it has broken me. Every time my landlord calls I cry before I even know what it is about.”***

– Daisy, 45,  
Stanwell Tops

***“The biggest impact has been moving three kids away from friends and schools. I moved away from my support network also. My husband now spends three hours a day driving to and from work.”***

– Sukriti, 43,  
Cooma



The overall number of renters surveyed who had personal experience of 'no grounds' eviction (40.9%) compares with the approximate 10% of respondents who had personal experience (10% of respondents in metropolitan areas, 9% in regional areas) surveyed for the *Disrupted* report in 2018. The significantly higher number of renters who had held back from asserting a legal right in our survey – 75% compared to the 55% reported in *Disrupted* – highlights that experience of a 'no grounds' eviction has substantial negative impact on renters' ongoing confidence in asserting legal rights.

This is also demonstrated by comparing responses between renters who had experience and those who had no experience of 'no grounds' within our own survey results. Over three quarters of renters we surveyed with an experience of 'no grounds' indicated the possibility of eviction had a significant impact on their current landlord/tenant relationship, with 53.8% reporting the impact as 'major'. They were also significantly more likely to hold back from reporting issues or asserting a right (84.2% compared to 66.4% of renters who had no experience of 'no grounds').

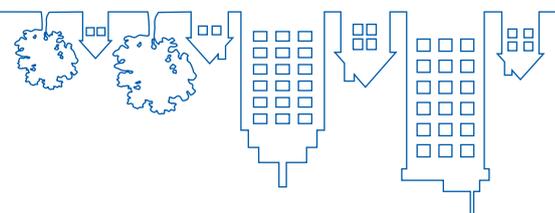
The proportion of rent paid by respondents also affected their confidence in asserting a right or reporting a problem, with those paying more less confident in asserting rights. Almost eight in ten renters who estimated they were spending over 50% of their income on rent reported putting up with a problem. This group were also the most likely to have experienced a no grounds eviction themselves.

***“The hardest thing was having to move my nine-year-old daughter again so soon after my separation from her dad. We were just getting settled.”***

– Lauren, 48, Stanmore

Have you ever experienced a 'no grounds' eviction?	Have you ever put up with a problem, or held back from asserting a right (e.g. not asking for a repair or challenging a rent increase)?			
	Yes		No	
I have personally experienced a no grounds eviction	203	84.2%	38	15.8%
I know someone who has experienced a 'no grounds' eviction	75	76.5%	23	23.5%
I have no experience of 'no grounds'	166	66.4%	84	33.6%
<b>Total</b>	<b>444</b>	<b>75.4%</b>	<b>145</b>	<b>24.6%</b>

What proportion of income are you spending on rent?	Have you ever put up with a problem or held back from asserting a right? (e.g. not asking for a repair or challenging a rent increase)?			
	Yes		No	
Under 20%	29	69.0%	13	31.0%
20% to 30%	100	73.0%	37	27.0%
30% to 50%	211	75.6%	68	24.4%
Over 50%	112	79.4%	29	20.6%



Renters reported they instead 'resort[ed] to fixing it myself for fear of retaliation' or feeling 'helpless at communicating basic requests via a disinterested (at best) and obstructionist (the usual) real estate agent, without the threat of eviction tempering my rights to safe, clean housing.'

In regards to minor repairs such as a leaking tap, just over a quarter of all renters surveyed said they were 'very unlikely' to report the repair. A slightly lower number, just under a quarter, said they would be 'very likely' to report a minor repair.

When asked about a major repair, results shifted dramatically, with almost half of respondents confident they would 'very likely' report a serious issue such as mould or electrical problems.

The variability of tenants' decisions on whether to report a repair suggests renters often weigh up whether a problem is worth contacting a landlord about, and then consider the risk of being evicted in retaliation against whether this outweighs the discomfort of enduring the problem or the cost involved in fixing it themselves. A more serious repair, for example, was much more likely to be reported by a renter. Close to half of all renters surveyed said they would be 'very likely' to report a serious repair – no doubt because the risk and potential consequences of not reporting this is significantly higher. Whereas the high number of renters reporting they were 'very unlikely' to report a minor repair reflects the fear that reporting a problem could jeopardise their housing security.

The responses of renters surveyed regarding the likelihood of their challenging an unreasonable rent

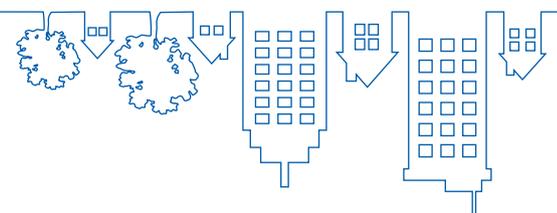
increase were also quite varied. The distribution of responses on this was very evenly spread, with each option (very unlikely, unlikely, neutral, likely, very likely) receiving between 16% and 23% of responses. This could suggest widespread uncertainty regarding what is classified as a reasonable rent increase and a lack of information about the possible steps a renter can take when facing an unfair increase. This could also be a result of what some researchers have termed 'tenant fatalism' – that is, where tenants perceive frequent rent increases as an 'inevitability' of the housing market and as a result feel powerless to challenge them (see Atkinson et al, 2011.).

The variability of tenants' decisions regarding whether or not to assert their rights suggests concern over negative consequences (for example, a fear of eviction) and that many renters hesitate before reporting a problem, weighing up what to report and what they will endure.

Again previous experience of a 'no grounds' eviction significantly increases the likelihood a renter will hold back from reporting a problem or following up with a landlord who fails to do a repair in a reasonable timeframe. Over half of renters (54%) who had experienced a 'no grounds' eviction reported they were unlikely to report a minor repair (compared to around just over a third – 38% - of renters who had no experience of 'no grounds' evictions). Only 62% with experience were confident they would report a major repair compared to 76% of respondents with no experience. The likelihood of a renter following up with their

***"The most significant impact when I experienced my first 'no grounds eviction' was the feeling of helplessness and anxiety relating to the insecurity of my living situation. My housemates and I had reported that multiple repairs needed to be completed in the kitchen, backyard and bathroom. I felt we were in between a rock and a hard place: either live in unsafe and unhealthy conditions and maintain our lease, or risk requesting repairs and be issued an eviction and potentially be blacklisted from future rental properties. In the end, we requested the repairs, and to this day I am still unsure whether that was what caused us to lose our tenancy."***

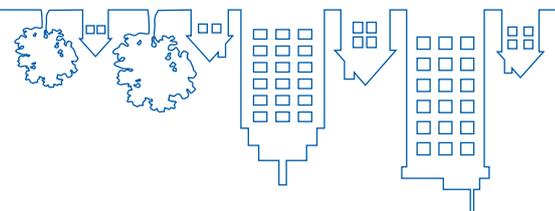
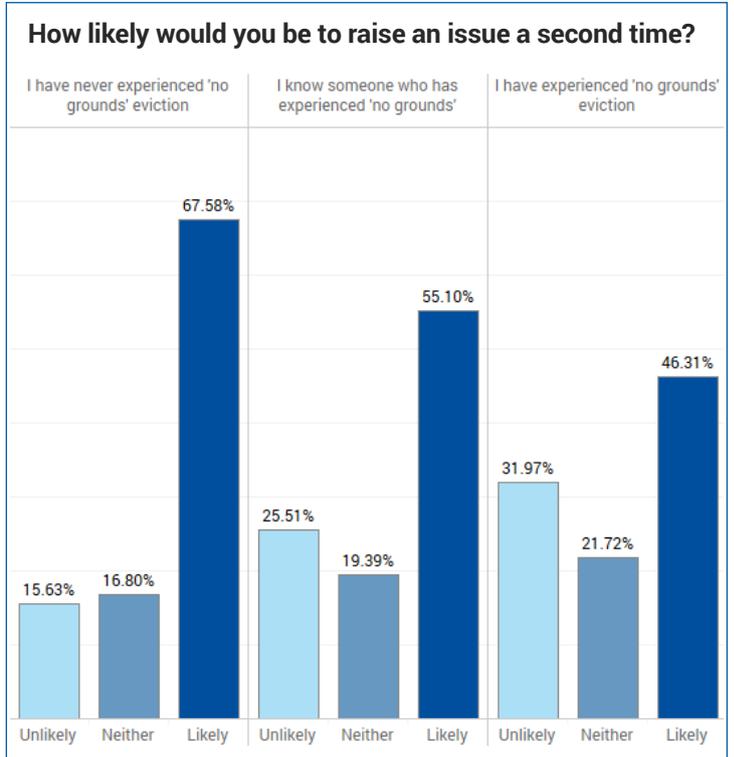
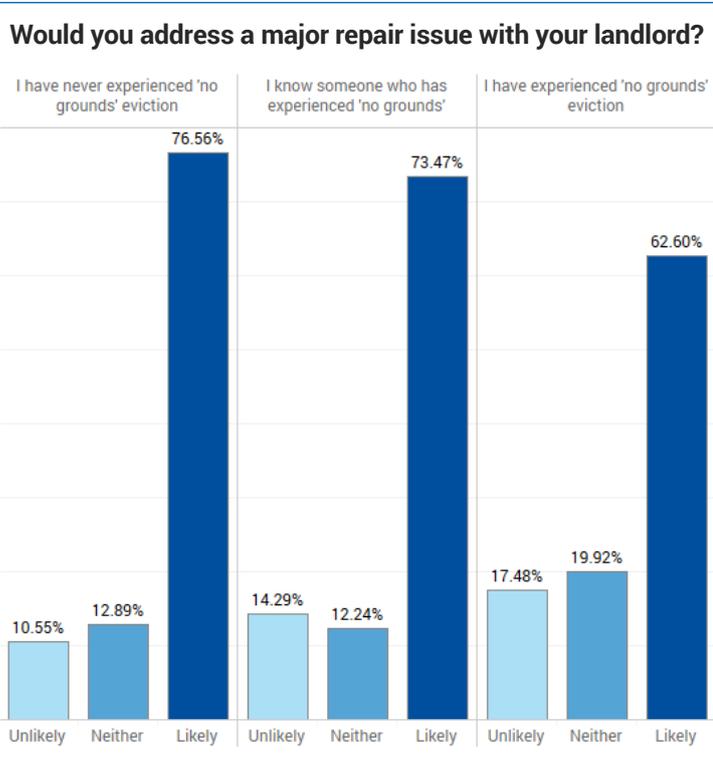
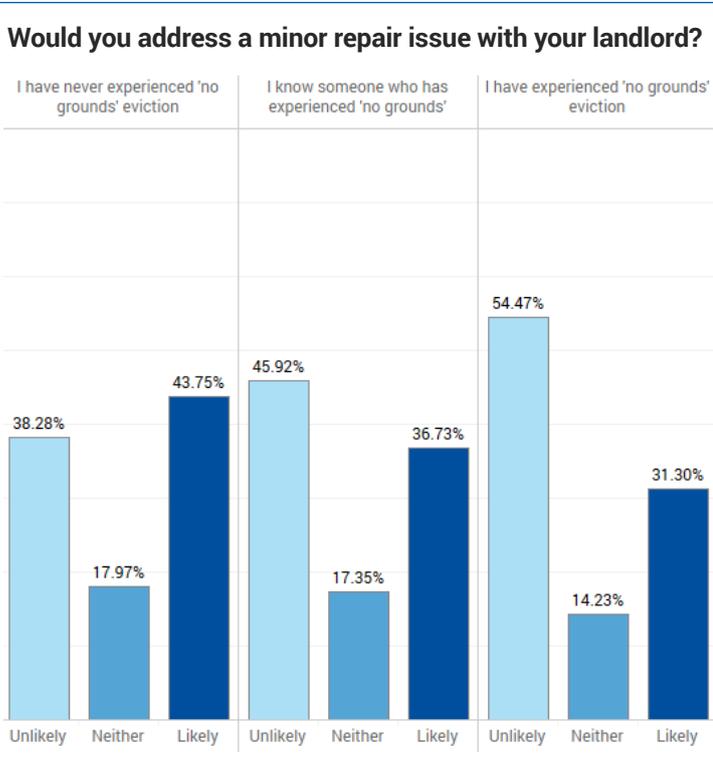
– Bonnie, 21, Ashfield



landlord or real estate agent on an unresolved problem significantly decreased with direct experience of 'no grounds' eviction. Renters with no experience of 'no grounds' were 20% more likely to raise an issue a second time with their landlord. Renters were twice as likely not to follow up on an issue if they had experienced a 'no grounds' eviction.

We also checked these results for those tenants who had indicated that they were unaware of the existence of 'no grounds' evictions. Their stated awareness of 'no grounds' evictions did not significantly change their responses whereas their direct experience of 'no grounds' evictions did. This suggests the question of awareness indicated the way people describe the experience differs.

These results demonstrate renters are generally concerned by the threat of 'no grounds'. It significantly impacts their confidence and willingness to assert their legal rights and raise issues within a tenancy. Further it highlights that for those who have experienced a 'no grounds' eviction the fear and anxiety is exacerbated. The 'no grounds' eviction holds financial and emotional costs at the time, and undermines a renters' confidence in asserting legal rights in their future tenancies.



## Michael: a renter's story

I guess I count myself lucky because in the past nine years of renting I have had little issue with real-estate agents or landlords. I have always considered myself a good tenant, often paying one month in advance and always ensuring the house is well taken care of.

This time is different as I now have my wife and two year-old to take care of and ensure they are safe. Recently the house we currently rent has had some electrical issues – mainly light switches and light fittings that are getting old and no longer working. After reporting these faults to the real-estate, the owners (they are a nice, elderly couple) promptly let the real estate know they would come and replace the worn out electricals. And they did.

I am really concerned though with the repairs as the owner – who undertook the work himself – is not a licensed electrician. From my own experience as a tradie I know electrical work isn't something you want to get wrong. After emailing my concerns to the real-estate agent and asking if it was appropriate that the owner was doing this work I got a phone call from them informing me that "you are just a renter, you do not own the house and you have no say in what work gets done on the house or who does it." Then they hung up.

Unfortunately though only licensed electrical contractors and electricians should be hired to perform the electrical work, and the current 'fix' may possibly breach our contract as it does not meet the required level of electrical safety required I feel like there is little I can do to make my family safe.

There are a range of other issues – no rail guard on the stairs to the main entrance to our house (despite the potential for a fall from over 1m heights); an out-of-date fire alarm; and an unsafe fix to the light switch in the bathroom that allows water to get behind the switch. I wish there was a system in place of inspectors for rental properties to ensure they are safe and up to standard.

But hey what can you do when you are a renter – escalate your concerns and be told to leave as you're just being a pain?

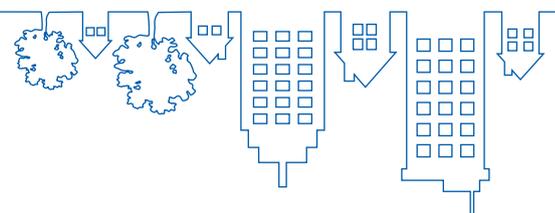
I feel this current legislation is reactive and not preventative. Will someone have to lose their life before change comes? I just hope it's not my two-year-old.

***"I wish there was a system in place of inspectors for rental properties to ensure they are safe and up to standard.***

***But hey what can you do when you are a renter – escalate your concerns and be told to leave as you're just being a pain?***

***I feel this current legislation is reactive and not preventative. Will someone have to lose their life before change comes? I just hope it's not my two-year-old."***

– Michael



## Keith: a renter's story

I met my wife Pella about 15 years ago and we've been renting for the last 14 years. We've lived in seven properties in that time. We've been evicted six times. We're sick of moving. In 2008 we got evicted twice within a 12 month period.

The last property we got evicted from was probably the worst. It was a 'no grounds' eviction. My mother in law was living with us. She was very frail, in fact she was in hospital when we were forced to move and she has since passed. We got the eviction in February, but we contested it as a retaliatory eviction because we had asked for a hole in the ceiling to be repaired. Vermin had got in and eaten a hole in the ceiling.

When we went to Tribunal the landlord said "I'm selling the property." It was a lie, actions speak louder than words. When we moved, he gave the inside of the property a lick of paint, put the rent up \$35 and re-leased it.

That eviction totally upended our lives. Every time we move it costs about \$3,000. Constant moving has put my family in a financial hole.

It puts a strain on your relationship with your partner, puts a strain on the whole family. My daughter who is 11 has lived in six different houses. Each time she changes schools - she has a new teacher, a new class, we need to buy new uniforms, she moves away from friends. We have to rent a truck, redirect the mail. There's the financial stress, emotional stress, and ongoing anxiety.

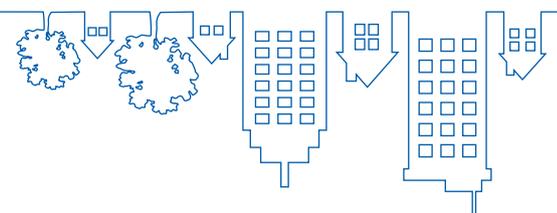
It's the anxiety of going to the letter box and seeing a letter from the managing agent and you cross your fingers and you hope: oh my god I hope it's just the water bill.

My family is sick of moving.



***"When we went to Tribunal the landlord said 'I'm selling the property.' It was a lie, actions speak louder than words. When we moved, he gave the inside of the property a lick of paint, put the rent up \$35 and re-leased it."***

– Keith, Stanhope Gardens



## A climate of fear and anxiety

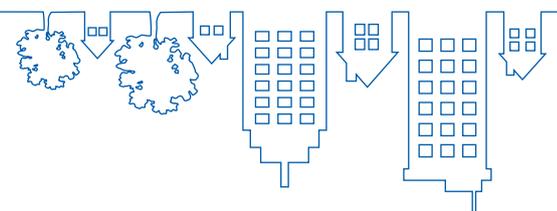
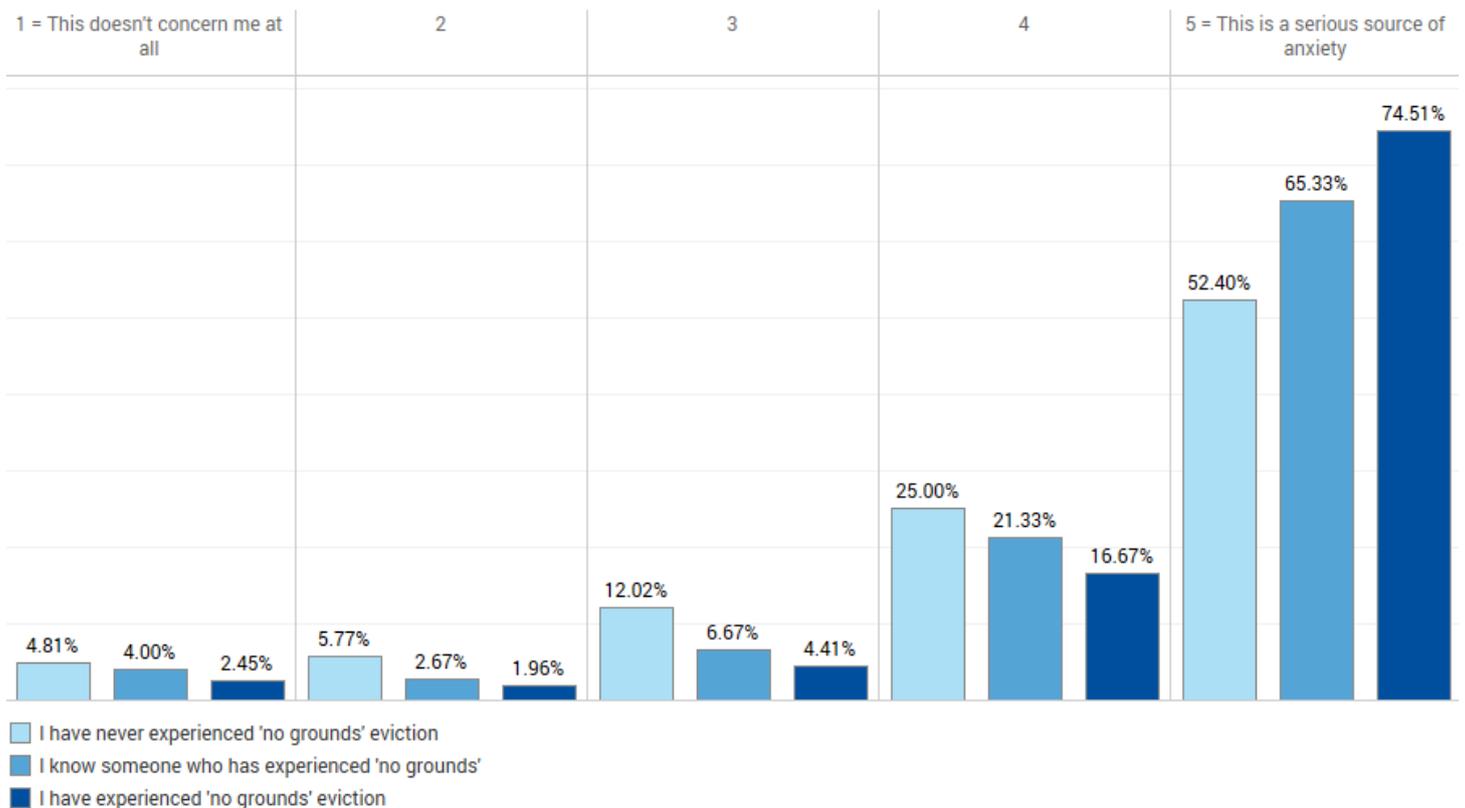
63.6% of all current renters surveyed indicated the possibility of a 'no grounds' eviction was 'a serious source of anxiety'. Of those who had previously experienced a 'no grounds' eviction this number rose to 74.5%, indicating previous experience substantially increased concern. Those who had never experienced a 'no grounds' eviction were still anxious about the possibility though at a lower rate.

The comments shared by renters about their anxiety reflected common themes: chronic emotional stress regarding their housing, the inability to get settled or make a property feel like a home, and a reluctance to form community bonds because of housing insecurity.

***“The stress of having to move through no fault of our own is a constant stressor in my life; just knowing it could happen at any time reduces quality of life. I am reluctant to engage with the local community as a result.”***

– Margaret, 49, Canterbury

### Is the possibility of having to move without being given a reason a source of anxiety for you?



## Support for tenancy law reform

A very clear majority of survey respondents do not agree with the statement 'landlords should have the ability to end a tenancy without giving a reason'. This result was broadly consistent across age groups. Notably older renters are significantly more likely not to agree a landlord should have the ability to end a tenancy without a reason.

Of the 41 property investors who responded to the survey, some of whom rented and some who have never rented, the majority also support the notion that a landlord should have to give a reason for ending tenancy. It is apparent from the comments that some respondents did the survey with the intention of telling us 'the landlord's point of view'. The result demonstrates there is in fact a broad diversity of views amongst property investors.

***"I am a landlord and see no issue with losing the power to evict families on a whim. There are times when eviction is necessary, but giving a reason is never hard when it is reasonable to do so"***

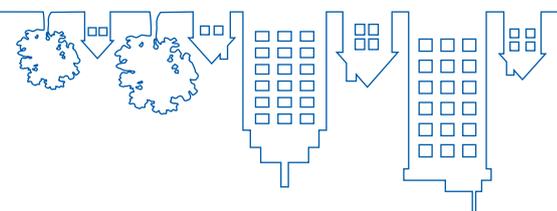
– Bill, 62, Petersham

### Opinion on 'no grounds' evictions

	Do you think a landlord should have the ability to end a tenancy without giving a reason?			
	No		Yes	
<b>All respondents</b>	566	89.1%	69	10.9%
<b>18 - 30 yrs</b>	188	90.4%	20	9.6%
<b>31 - 40 yrs</b>	130	83.3%	26	16.7%
<b>41 - 50 yrs</b>	128	90.1%	14	9.9%
<b>51 - 60 yrs</b>	74	92.5%	6	7.5%
<b>Over 60 yrs</b>	46	93.9%	3	6.1%
<b>Does not own an investment property</b>	509	91.7%	46	8.3%
<b>Owns an investment property</b>	22	53.6%	19	46.3%

***"A lot needs to be changed about tenancy as it's hard to get anything done when you are always under a cloud of: is this the complaint that might get me evicted?"***

– Jessica, 41, Forster



***“The anxiety caused by a no grounds eviction doesn’t end once you’ve moved. With real estate agents rarely allowing more than six month or twelve month leases and the threat of a no grounds eviction it means that in a lot of rental properties you never really get settled. You spend so much of your income on rent but still don’t feel like you have a home. You know you could be evicted at any time and you put up with issues like mould and broken locks because you just hope the landlord will forget about you and let you stay.”***

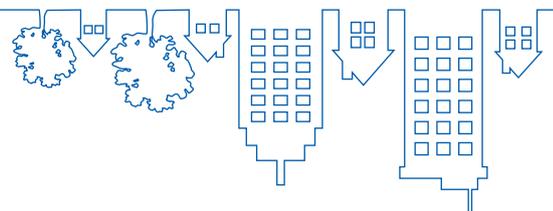
– Amy, 30, Enmore

***“Having to move would impact my university study, causing added stress and uncertainty around where I would be living and taking away time from study”***

– Priya, 22, Waratah West

***“The worst thing about being forced to go would be moving away from friends and community as it would be unlikely that I could afford another rental in my area.”***

– Alex, 57, Coogee



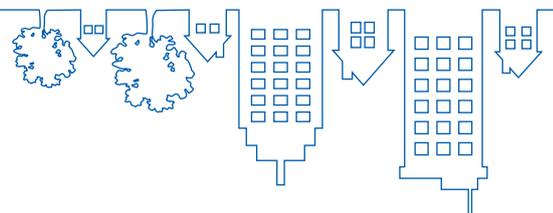
# CONCLUSION

## CONCLUSION

The story our survey tells is one of lives turned upside down. The impact of a 'no grounds' eviction and subsequent forced move is profound. There is an immediate and significant impact for households that receive a 'no grounds' eviction in terms of household upheaval, emotional stress, and financial strain.

The ability of a landlord to evict someone for no reason undermines all other rights provided under current tenancy law. 75% of renters reported that simply the possibility of a 'no grounds' eviction deters them from asking for repairs or requesting improvements to their home. Renters' responses to our survey indicate many live in a constant state of anxiety about the security of their housing. This is particularly the case for renters who have experienced a 'no grounds' eviction and the upheaval they bring. Their direct experience provides them with a keen awareness of the risks involved in asserting their legal rights given that landlords can – and do – make use of 'no grounds' evictions in retaliation.

More than merely undermining legal rights, this climate of anxiety and inability to respond to issues creates a renting system where it becomes impossible for tenants to imagine life in any other way (Chisholm, Howden-Chapman & Fougere, 2018). It is incumbent on advocates and policy-makers to understand eviction not only as a mechanism for bringing a tenancy to an end, but as a mechanism which controls every aspect of the relationship between landlord and tenant. Debate should move quickly beyond whether 'no grounds' evictions are right, and to what kind of relationship should landlords and tenants have? While it is one based on feudal property law, it is unlikely to change. A new way of looking at this question is the only way to bring tenants' lives the right way up.



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## REFERENCES

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