

# Pests and vermin

## Information for tenants

Dealing with an infestation of pests or vermin is never pleasant for anyone. The information on this page will help you understand whose responsibility it is to eradicate pests such as:

- rats
- mice
- cockroaches
- fleas
- termites (white ants)
- wasps, and
- ants.

## Tenant pest control responsibilities

You are usually responsible for the eradication of pests if the infestation occurs after you have moved in and if the infestation was caused by your activities or lack of cleanliness.

For example, if you have been living in a rented property for several months and an infestation of cockroaches occurs, then usually you will have to pay for the pest control service.

If you believe that the infestation was not caused by your activities or lack of cleanliness then you may not be held responsible for pest eradication if you can show the landlord is in breach of the tenancy agreement (for example, by not offering the property in a clean and safe condition at the start of the tenancy) and that this breach has caused the infestation.

## Guide to responsibility

Below is a general guide to who is responsible when an infestation occurs. However, the person with responsibility may change depending on the individual situation, the history of the property, and what has been recorded on the condition report.

Pests and vermin	The landlord is responsible	The tenant is responsible
Ants	if present at the start of the tenancy	if present during the tenancy
Bees and wasps	if present in a wall cavity or similar if present at the start of the tenancy	if present during the tenancy
Birds	to remove and seal off any entry points	
Cockroaches, fleas and spiders	if present at the start of the tenancy	if present during the tenancy
Mice and rats	if present at the start of the tenancy	if present during the tenancy
Possums	to remove and seal off any entry points	
Snakes	if present at the start of the tenancy if caused by the landlord breaching the conditions of the agreement - eg. landlord left piles of rubbish in garden	if present during the tenancy
Termites/white ants	at the start and throughout the tenancy	

## Your landlord's pest control responsibilities

The landlord is responsible for the eradication of pests if the infestation is evident at the start of the tenancy. As part of the landlord's general obligations, the landlord must provide the residential premises in a reasonable state of cleanliness and fit for habitation by the tenant.

For tenants this means it is very important when you first see a property to look for signs of pests such as droppings in cupboards and on floors.

You should also check if the previous tenants owned cats or dogs, as fleas could be breeding in the carpet and may not appear for a couple of months. Note what you see in the condition report as evidence to avoid any disagreements later on.

Negotiate with the landlord for the property to undergo a pest control service before or within the first weeks of your tenancy if you see evidence of pests. Have this written into your rental agreement under the special conditions section of the agreement. If the landlord fails to carry out the agreement to arrange a pest control service, you may argue that they are in breach of the agreement and ask them to remedy the breach.

## When pests appear after you move in

If you do not discover the pests until after you move in, then contact the landlord immediately by phone.

It is also a good idea to notify the landlord in writing and attach a copy of the letter to your condition report. Request that the landlord takes steps to eradicate the pests immediately, including a pest control service if necessary.

The sooner you contact the landlord with the problem, the less chance they have to claim that the infestation is a result of your tenancy.

If you and the landlord can't agree on who is responsible for pest eradication, you can use Fair Trading's free

dispute resolution service. An experienced dispute resolution officer can contact the landlord and help negotiate an agreement. If necessary, the officer may arrange to visit the property and conduct the service onsite. Alternatively you can lodge an application with the NSW Civil and Administrative Tribunal.