

Smoke alarm legislation and rental properties

CONSUMER COLUMN



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As of July 1 2007, every domestic dwelling in Queensland was required to have smoke alarms. The laws, which fall under the *Queensland Fire and Rescue Service Act 1990*, apply to all residential dwellings in Queensland, not just the rental sector.

“The law placed minimum installation standards upon the landlord. The minimum requirement for the type of smoke alarm is a nine-volt battery operated alarm,” REIQ managing director Dan Molloy said.

However the REIQ recommends that landlords consider higher standards of alarm, such as a photoelectric 10-year tamper proof lithium battery alarm or a 240-volt hard wired alarm with battery back up.

“The alarms are required to be installed on or near the ceiling on any storey; between any areas containing bedrooms and the rest of the house or unit, e.g. hallways or; on a storey not containing bedrooms on the most likely evacuation route from the property,” Mr Molloy said.

“The law have imposed maintenance obligations on both the landlord and the tenant.”

Landlord obligations

Mr Molloy said the landlord must clean and test all smoke alarms at the property within 30 days of the start of a tenancy. This includes renewal agreements.

“For example, if a tenant enters into a six-month tenancy agreement and the landlord offers a renewal agreement at the end of the current agreement, the landlord obligation to clean and test all alarms within 30 days of the start of an agreement again applies,” he said.

“If it is found that the battery is flat or almost flat at the time of cleaning and testing the alarm, the landlord must replace the battery immediately. If the alarm fails, other than because the battery is flat during a tenancy, the landlord must replace or repair the alarm.”

He said the landlord must replace the alarm before it reaches the ends of its service life.

Tenant obligations

Mr Molloy said the tenant must replace the battery if the battery is flat or almost flat during a tenancy.

The tenant must clean and test the alarms during a tenancy only if;

- they have a 12 month agreement or longer; or
- they are on a periodic tenancy that is 12 months or longer in duration.

If a tenancy is less than 12 months in length, or a periodic tenancy that is less than 12 months in length, the obligations to clean and test an alarm cannot be passed onto the tenant.

The tenant must notify the landlord/property manager immediately if the alarm has failed other than because the battery is flat or almost flat.

“If a fixed term tenancy rolls over into a periodic without any action from either the tenant or the landlord/property manager, the landlord obligation to clean and test the alarm within 30 days will not apply,” he said.

“This is because a new agreement has not been entered into; the agreement has merely rolled over to a periodic tenancy under the same terms and conditions as the fixed term agreement.”



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