



## **DEFINITION OF WEAR AND TEAR VS. DAMAGE**

### **What is “fair wear and tear”?**

Fair wear and tear generally means the normal deterioration of a property that happens through:

- the ordinary day-to-day use of a place by a tenant (e.g. carpet gets worn from people walking on it); and
- the ordinary operation of natural forces (e.g. sunlight, rain).

Fair wear and tear can be an issue:

- at the end of the tenancy when you are trying to get your bond money back.
- in disagreements about who is responsible for repairs to the rented premises.

### **Tenant obligations – section 26 of your Residential Tenancies Agreement**

There is no definition of wear and tear in the Residential Tenancies and Rooming Accommodation Act (2008), however, section 188(2) and (3) of the Residential Tenancies and Rooming Accommodation Act (2008) and section 26 of your Residential Tenancies Agreement does describe the tenant's responsibilities with regards to cleanliness and certain damage:

- (1) The tenant must keep the premises clean, having regard to their condition at the start of the tenancy;
- (2) The tenant must not maliciously damage, or allow someone else, to maliciously damage, the premises.

### **Examples of wear and tear:**

- Faded curtains or frayed cords
- Furniture indentations and traffic marks on the carpet
- Scuffed wooden floors
- Faded, lightly chipped or cracked paint
- Worn kitchen benchtop
- Loose hinges or window or door handles; worn sliding tracks
- Cracks in the walls from movement
- Water stains on carpet resulting from leaky roof or bad plumbing
- Worn paint near light switch

### **Examples of Damage**

- Curtains that are missing or torn by the tenant's cat or water stained from leaving windows open in rain
- Stains or burn marks on the carpet
- Badly scratched or gouged wooden floors
- Unapproved or poor-quality paint job
- Burns or cuts or large chips in benchtops
- Broken panes from one of the tenant's children or guest hitting a ball through the window or carelessly slamming a window shut
- Holes in walls from tenant hammering in nails or from removing picture hooks or shelves
- Water stain on carpet resulting from an overflowing bath or indoor pot plants or leaving windows open in rain
- Paint damage resulting from removing decorations stuck with Blu-Tack or sticky tape
- Tenant's dog / animals digging up plant or damaging lawn

### **Completion of entry and exit report and use of accurate descriptive language**

It is important to ensure that entry and exit reports accurately record the condition of the property as they are the main source of evidence when deciding bond disputes. Please ensure that when you are completing the tenant section of these reports you use accurate terms to describe damage / wear and tear at the property. Some commonly listed terms are listed over the page.



**Glossary of term most commonly used on Entry and Exit Reports**

<b>Term</b>	<b>Definition</b>	<b>Recommended Solution/ Fix</b>
<b>Black mark/ Scuff mark</b>	General term for black lines on walls from objects rubbing on them. No paint damage. Difficult to remove with normal cleaning products	Use 'magic eraser' from Coles. As the name suggests it is magic and will easily remove the vast majority of black marks accumulated throughout the tenancy.
<b>Hooks/nails/screws/Blutac</b>	Refers to all types of protruding objects from walls made to hold pictures, posters, keys and a number of other things. We advise not to put up any additional hooks however if you need to then use paint friendly adhesive hooks.	PLEASE NOTE: You will be required to remove any additional hooks that are put up during the tenancy and will be required to patch any holes/ paint chips that are left over.
<b>Holes</b>	A hollowed space in a wall, ceiling, ground or any other surface. Generally as the result of a nail/ screw removal.	Needs to be patched and paint matched upon vacate. We recommend getting a handyman to complete the work to ensure the paint matches correctly and a smooth surface is achieved.
<b>Paint chip/ scratches</b>	A missing patch of paint or long thin paint damaged surfaces.	Needs to be patched and colour matched upon vacate. We recommend getting a handyman to complete the work to ensure the paint colour matches correctly
<b>Dent/ Dint</b>	A hollowed in surface generally cause by a bumping to the surface with a solid object.	Needs to be patched and paint matched upon vacate. We recommend getting a handyman to complete the work to ensure the paint matches correctly and a smooth surface is achieved.
<b>Stains</b>	Refers to all discolouration's found on surfaces, usually Carpet, kitchen benches and walls	Will need to be cleaned or repainted or if unremovable, compensation will need to be paid.

Other commonly used terms to describe damage or wear and tear at a premise include:

- Frayed, rusted
- Faded, sun damaged
- Lightly scratched
- Gouged
- Peeling
- Marked
- Stained
- Water marked
- Rotted
- Torn
- Cracked etc.