

Frequently Asked Questions

Changes to the Residential Tenancies Regulation 2010 Amendments to the Residential Tenancy Agreement - Loose-fill Asbestos Insulation (LFAI)

Q. Where is the Loose-fill Asbestos Insulation Register?

Recent regulatory amendments related to loose-fill asbestos insulation (LFAI) required the establishment of a public register of residential properties affected by LFAI. The [LFAI Register](#) has been publicly accessible from the Fair Trading website since 30 May 2016.

Q. What are the changes to the Residential Tenancy Agreement?

As of 30 May 2016, real estate agents and/or landlords have to notify prospective tenants if residential properties available to lease are already listed on the LFAI Register.

As of 30 October 2016, a new term will be added to the standard form tenancy agreement requiring landlords to tell existing tenants if a property has been added to the LFAI Register.

Q. My agency still has old versions of the Residential Tenancy Agreement, can I still use these?

Yes, so long as an addendum is used which includes the LFAI information. An addendum is available to allow landlords and agents to exhaust existing stock of the previous version of the Residential Tenancy Agreement. The new agreement and the addendum are available for download from the Fair Trading website.

Q. As an Agent/landlord do I have to issue the LFAI addendum, or a new Agreement, retrospectively to all existing tenancy agreements?

No. However the requirements under the *Property, Stock and Business Agents Act 2002* and the *Residential Tenancies Act 2010* for disclosure of a material fact by an Agent, and the landlord's obligation to notify a tenant of a property listing on the LFAI register do apply to all existing tenancies.

Q: How can tenants find out if a rental property has tested positive to LFAI, or gets listed during their tenancy?

Tenants can check at any time if a property is listed by visiting the [LFAI Register page](#) on the Fair Trading website.

Under the new Residential Tenancy laws, a landlord must advise their tenant in writing within 14 days of the property being listed on the LFAI Register.

Q. What are my responsibilities as a landlord if my property has been listed on the register while it is being leased?

Under the new Residential Tenancy laws, a landlord must advise their tenant in writing within 14 days of the property being listed on the LFAI Register

Q: If a property tests positive for LFAI, is it completely uninhabitable?

The NSW Chief Health Officer has advised that living in a house with LFAI will not confer any significant health risks provided that there is no meaningful exposure pathway to asbestos fibres.

Q: If tenants find out that the property they are renting has been put on the LFAI register, what are their options?

Tenants who are not concerned by the presence of LFAI can choose to keep renting the property. However, if the landlord is participating in the voluntary purchase and demolition program, this won't be a long-term option.

Tenants who are not within the fixed period of a rental tenancy agreement can give 21 days' notice and vacate the property.

If tenants are still within the fixed period of a rental tenancy agreement but want to vacate the property quickly, they should contact the managing agent or landlord and seek to negotiate the termination of the lease.

Tenants who want to terminate the lease following the detection of LFAI, but are experiencing difficulties doing so can seek dispute assistance by [lodging a complaint](#) with Fair Trading.

Q: How does this affect tenants' existing rights to terminate a lease?

Tenants' rights to terminate a lease remain the same.

Q: How can a tenant find out if a property is safe to stay in?

Tenants can request a copy of the air and dust reports which provides readings on the level of asbestos in each area. If the landlord won't provide the report, tenants can seek dispute assistance by [lodging a complaint](#) with Fair Trading.

Tenants can also ask their local GP for advice on health risks.

More information is available on [Loose-fill Asbestos Insulation](#) on the Fair Trading website.

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