TENANTS UNION of Victoria Ltd

your step-by-step guide to complaints

June 2009

START HERE

Do you wish to make a complaint about your landlord or real estate agent?

YES

Have your landlord or agent committed an offence under the *Residential Tenancies Act* (RTA) *1997?*

NO

Has your real estate agent acted in an unprofessional manner?

YES

If your agent has acted unprofessionally but hasn't actually committed an offence, you can still make a complaint. Write to:
> Investigations and Compliance
Consumer Affairs Victoria
GPO Box 123
Melbourne VIC 3001

You also have the right to make a complaint to:
> Real Estate Institute of Victoria ☎ 9205 6666
> Equal Opportunity Commission Victoria (for discrimination or harassment) ☎ 9281 7100
> Federal Privacy Commissioner (for breaches of privacy) ☎ 1300 363 992
> Electricity and Water Ombudsman Victoria (for electricity, gas and water supply problems) ☎ 1800 500 509
> Victoria Police (for criminal acts or behaviour)

NO

YES

In addition to taking steps to have the problem fixed, you have the right to make a formal complaint against your landlord/agent...

To make a complaint about an offence by your **LANDLORD...**

Contact the Tenants Union for advice about the offence.

Write to Consumer Affairs Victoria asking them to investigate your complaint. (You will find a sample letter of complaint in the Tenants Union fact sheet ***Complaints about landlords and real estate agents).***

Did Consumer Affairs Victoria agree to investigate the matter?

NO

Contact the Tenants Union.

YES

Consumer Affairs Victoria can decide to prosecute the landlord or agent for a breach of the RTA in the Melbourne Magistrates' Court. The Estate Agents Resolution Service (EARS) can also refer the case to Consumer Affairs for investigation or enforcement action.

To make a complaint about an offence by an **ESTATE AGENT...**

Call the Estate Agents Resolution Service (EARS) ☎ 1300 737 030.

Was your complaint resolved with EARS over the phone?

YES

NO

Do you want EARS to take the matter further and contact the agent on your behalf?

NO

YES

Complete and return an EARS complaint form, available from EARS at Consumer Affairs Victoria or from the Tenants Union. (Before you lodge your complaint you must first try to resolve the problem directly with the agent.)

EARS will give the agent 14 days to respond to the complaint and resolve the problem.

UNSURE

The landlord/agent may be committing an offence if they don't meet their responsibilities under the RTA. Some examples are:
> failing to provide certain documents at the start of your tenancy
> failing to lodge your bond with the Residential Tenancies Bond Authority within 10 business days of receiving it
> trying to charge you an illegal fee
> breaching your right to privacy
> trying to evict you illegally
> failing to obey an order of the Victorian Civil & Administrative Tribunal

For more information about offences under the RTA, contact the Tenants Union Advice Line ☎ 9416 2577.

See our fact sheets:
> ***Complaints about landlords and real estate agents***
> ***The Victorian Civil & Administrative Tribunal***
> ***Tribunal Checklist***