

Attachment A – Consumer, Building and Occupational Safety (CBOS) and
Residential Tenancy Commissioner and Residential Tenancy Act 1997 statistics

Question from applicant

In the years 2018/19, 2019/20, 2020/21, 2021/22 and 2022/23, on how many occasions did the Residential Tenancy Commissioner (the RTC) perform its function under section 8(1)(c) of the Residential Tenancy Act 1997 (the RTA)?

Response from CBOS

The RTC has not been required to perform its function under section 8(1)(c) of the Act during these periods.

Question from applicant

In the years 2021/22 and 2022/23: (a) how many applications were made under section 23(1) of the RTA; (b) how many of the rent increases were determined to be reasonable, unreasonable or partly unreasonable; (c) on average, how long did it take to complete an application (d) how many determinations were appealed to the Magistrates Court; (e) how many determinations were upheld or varied?

Response from CBOS

Financial year	Applications	Reasonable	Unreasonable	Partly Reasonable	Application outside Prescribed Time	Application Withdrawn	Appealed
2021/22	36	2	7	21	3	3	2*
2022/23	46**	18	4	15	2	6	0

* The appeals in 2021/22 were either discontinued or dismissed.

**One application received in 2022/23 remains under investigation.

The average time taken to assess an application has been 21 days across the two reporting periods.

Question from applicant

In the years 2021/22 and 2022/23: (a) how many applications were made under section 24A of the RTA; (b) how many were made by landlords; (c) how many were made by tenants; (d) how many were granted; (e) on average how long did it take to complete the application?

Response from CBOS

No applications were made under section 24A of the RTA in the years 2021/22 or 2022/23.

Question from applicant

In the years 2018/19, 2019/20, 2020/21, 2021/22 and 2022/23; (a) how many disputes were determined under section 29G of the RTA; (b) how many determinations appealed to the Magistrates Court; and (c) how many determinations were varied by the Court?

Response from CBOS

Financial year	Disputes determined	Appealed	Varied by the Court
2018/19	2448	29	14
2019/20	2551	20	2
2020/21	2107	24	6
2021/22	2048	16	3
2022/23*			

NB: All figures for court appeal data were manually extracted from an internal CBOS database and may therefore be incomplete due to indexing or other errors.

*Data for 2022/23 is unavailable at this time but may be provided directly to the applicant at a later date once the relevant reporting function is available in MyBond.

Question from applicant

In the years 2018/19, 2019/20, 2020/21, 2021/22 and 2022/23; how many security deposits have been forfeited under section 30A of the RTA?

Response from CBOS

Zero security deposits have been forfeited under section 30A of the RTA since 2018-19.

Question from applicant

In the years 2021/22 and 2022/23; (a) how many applications were made under section 36A of the RTA; (b) how many orders were made; (c) how many determinations were appealed at the Magistrates Court; (d) how many appeals were by the landlord, and by the tenant; (e) in how many cases were the repairs carried out by the landlord without requiring an order?

Response from CBOS

Financial year	Applications	Orders	Appealed by owner	Appealed by tenant	Repairs completed without an order
2021/22	60	12	1	0	22
2022/23*	84	14	1	0	22

*10 Applications remain under investigation

Question from applicant

In the years 2021/22 and 2022/23: (a) how many applications were made under section 36H of the RTA; (b) how many orders were made?

Response from CBOS

No applications were made under section 36H of the RTA in the years 2021/22 or 2022/23.

Question from applicant

In the years 2021/22 and 2022/23: (a) how many applications were made under section 36P of the RTA; (b) how many applications were granted?

Response from CBOS

Financial year	Applications	Applications granted
2021/22	6	4
2022/23	3	1

Question from applicant

In the years 2021/22 and 2022/23: (a) how many applications were made under section 38A of the RTA; (b) how many applications were made by landlords, and by tenants; (c) how many orders were made?

Response from CBOS

Financial year	Applications	Orders
2021/22	1 (by Tenant)	1
2022/23	0	0

Question from applicant

Has the RTC at any stage issued guidelines under section 45(3B) of the RTA?

Response from CBOS

The RTC has not issued guidelines under section 45(3B) of the RTA.

Question from applicant

In the years 2021/22 and 2022/23: (a) how many applications were made under section 48I of the RTA; (b) how many orders were made: and (c) how many orders were appealed at the Magistrates Court?

Response from CBOS

Since 2021/22 and 2022/23, the RTC has received one application lodged under section 48I of the RTA. No order was made.

Question from applicant

In the years 2021/22 and 2022/23: (a) how many applications were made under section 48ZF of the RTA; (b) how many orders were made?

Response from CBOS

Financial year	Applications	Orders
2021/22	1	1
2022/23	0	0

Question from applicant

In the years 2021/22 and 2022/23: (a) how many complaints were made by tenants under a section of the RTA that could potentially lead to a monetary penalty; (b) of these complaints, how many were well-founded; (c) of these well founded complaints, how many resulted in monetary penalties; (d) under what sections of the RTA were these monetary penalties issued; (e) how many monetary penalties were issued to private landlords, agents, community housing providers and Homes Tasmania; (f) how many separate people/entities were issued with monetary penalties; (g) how many recipients of the monetary penalties elected to dispute the monetary penalties; and (h) what was the outcome of these elections?

Response from CBOS

Financial year	Applications	Well founded	Infringements issued –Private Landlord	Infringement issued - agents	Infringement issued – Community Housing Provider	Infringement issued – Homes Tasmania	Disputed
2021/22	44	26	9	1	0	0	0
2022/23	37	14	5	1	0	0	0

The 10 infringements issued in 2021/22 were issued to 5 separate people/entities. Two infringements were issued under section 17(3), two under section 25(4), one under 36J(3), four under section 55(2) and one under section 56(1).

The 6 infringements issued in 2022/23 were issued to 6 separate people/entities. Four infringements were issued under section 25(4) and two under Section 56(1).

No elections for court hearing were lodged for these penalties.