

## ***Prepare your home for the fire season - Yard Blitz***

### **Landlord and Tenant Responsibilities**

*Preventing attacks from embers in the case of bushfires*

#### **Garden & Lawns**

- Tenants are responsible for mowing lawns, weeding, trimming, cutting back hedges and bushes etc.
- Landlords are responsible for the lopping of trees, should tree lopping be necessary.
- In fire season, tenants *can*, in the interest of preventing fire, rake up and remove dry leaves from the yard and move stored firewood away from the house

#### **Gutters**

Tenancy law regarding the responsibility for the cleaning of gutters is not clear:

- If the gutters are on the ground floor, there is a greater likelihood that the tenant would be considered responsible.
- If the gutters are on the first floor and the tenants are elderly, however, it could be deemed that the landlord is responsible.
- If the gutters are up high, on a first or second floor, it becomes more likely that the landlord would be considered responsible.

#### **Tenant Liability**

##### *Negligence*

A landlord or the landlord's insurance company can pursue a tenant for compensation if the tenant is deemed liable for damage caused by a fire. A tenant would be liable if they are deemed to have intentionally or negligently caused or permitted any damage to the residential premises.

If, for example, an ember blew a few kilometers from a bush fire and landed in a pile of trimmings the tenant had left in the backyard and the

fire department made an official statement that this was where the fire originated, it could be deemed that the tenant had negligently caused the fire.

## **Landlord Liability**

### *Failure to repair and maintain*

The tenant or the tenant's insurance company can equally pursue the landlord if the tenant can prove, on the balance of probabilities, that a fire that caused damage to the tenant's belongings would not have happened had the landlord carried out a necessary repair they had been notified of.

## **Tenants Over 65 - NSW Rural Fire Service Assistance**

If you are over 65 living in a bush fire prone area, and you are unable to carry out garden clean ups and/or your Landlord fails to act promptly or at all to requests for lopping of dangerous trees, the AIDER (Assist Infirm, Disabled and Elderly Residents) program is a free, one-off service that may provide the following services:

- Clearing gutters
- Thinning vegetation around the home
- Removing leaf and tree debris
- Trimming branches from close to the home
- Mowing or slashing long grass.

If you want to make enquiries into this service, click here:

<http://www.rfs.nsw.gov.au/plan-and-prepare/aider>