

Pest control: What are your obligations as a tenant/ owner?

Unwelcome guests in a home are never a pleasant sight, but when it comes to a rental property, a pest infestation can become an especially troublesome concern.

The question of responsibility for pest control often perplexes both tenants and landlords. There is no clear-cut legislation definitively designating which party bears the obligation to address pest problems when an outbreak occurs.

For tenants, swift reporting of a significant pest issue is crucial. It's also essential to consistently maintain the property in good condition to minimize the likelihood of infestations. On the other hand, landlords must ensure that all pest issues are effectively managed before putting their rental property on the market.

In the rare event of a pest issue arising during a lease, both parties should engage in open and considerate negotiations and take prompt action to prevent the problem from escalating.

Common Pests:

The prevalence of pests and vermin can vary depending on your location. The most common encountered pests include cockroaches, ants, rats, mice, and wasps. In more unfortunate circumstances, unwelcome inhabitants may also include spiders, snakes, termites, and possums.

Lease Agreement Consideration:

When faced with an infestation or outbreak, your initial point of reference should be your tenancy agreement or lease. In some instances, the lease explicitly defines the responsibility for addressing pest issues. This is often the case when pets are present, with tenants typically obligated to handle flea infestations as per the contract. Before signing a lease, tenants should inspect the property and include a clause in the agreement to safeguard their interests if a pest problem is suspected.

Tenant Responsibility:

Generally, tenants are expected to take preventive measures to ensure pest infestations do not occur. This entails maintaining cleanliness and addressing any signs of pests promptly. Proper food storage, cobweb clearance, mouse traps, and the use of sprays and baits are recommended practices. However, if the pest situation is severe or pre-existing, tenants should promptly contact their landlord or property manager. If the landlord insists that tenants address the issue, seeking advice from the state tenant authority is advisable. Exterminator services should be avoided until discussing the matter with the landlord to avoid potential reimbursement issues. Additionally, when moving out, tenants are responsible for ensuring the removal of any pests.

Common pest scenarios tenants are responsible for include:

Removing ants, cockroaches, or spiders during the tenancy.
Handling bees and wasps if they establish nests after the tenant has moved in.
Safely addressing a snake if found inside the house or the backyard.

Landlord's Responsibility:

Property owners are obligated to safeguard the premises and tenants if ongoing pest issues are known. The best practice is to have the rental property inspected and pests eradicated before renting it out, reducing the likelihood of being held responsible for any later infestations. Less common pest problems such as possums and termites typically fall under the responsibility of the property owner. Landlords should also consider including pest clauses in their lease agreements when tenants have pets, ensuring fumigation at the end of the lease.

Common pest scenarios landlords are responsible for include:

When ants, bees, wasps, cockroaches, fleas, bedbugs, or vermin are present in large numbers before a tenant's move-in.

When birds or possums nest in the house or cause damage to the property's exterior.

Termites are the landlord's responsibility, regardless of when the outbreak occurs.

Resolving Pest Disputes:

Resolving a pest problem that leads to a costly dispute can be challenging, whether you are a tenant or a property owner. Negotiation should be the initial step to find a mutually agreeable solution. In the early stages, actions can often be taken to address the issue without involving experts. In extreme cases where resolution is elusive, either party can seek a ruling from the appropriate state tribunal.

Steps to take if a dispute arises:

Schedule a meeting or call to discuss the issue.

Document the pest control problem with photographs.

Contact the tenancy tribunal in your state for further guidance.

In summary, tenants should take proactive measures to care for the property, while landlords should ensure a pest-free rental before leasing it out. Prompt pest control is essential to prevent outbreaks, regardless of which party discovers the issue.

Remember, this article provides general information and should not be considered as financial or legal advice. For personalized advice, always consult with professional financial and legal advisors before making any decisions.



The family name you can trust