

Decision of the Commissioner for Consumer Protection

Section 11J(2) *Residential Tenancies Act 1987*

Application Number:	[redacted]
Application Type:	Landlord application to approve minor modification request with conditions
Premises:	[redacted]
Bond held:	\$2720
Tenants:	[redacted], [redacted] and [redacted]
Landlords:	[redacted] and [redacted]

Decision

The Commissioner orders:

1. The landlords' application is refused.
2. The tenants are permitted to make the requested minor modification at the premises.
3. The following conditions do not apply to the landlords' approval of the requested minor modification:
 - a. Installation of screws/picture hooks to be carried out by a professional person recommended by the property manager.
 - b. A receipt provided to landlords noting how many screws/picture hooks installed in each room.
 - c. Landlords' limit to the number and placement of the screws/picture hooks.

Request

On 19 January 2025, the tenants requested to install screws/picture hooks in the dining, back lounge, front lounge and master bedroom (the requested minor modification) at the premises, following the process established in the *Residential Tenancies Act 1987* (WA) (RTA).

Consumer Protection contacted the tenants to ask how many screws/picture hooks they wanted to install, and in which walls.

In written submission to Consumer Protection on 7 February 2025, the tenants confirmed they would like 10 screws/picture hooks as follows:

- Four screws/picture hooks in the 6-meter-long wall from the back door to the storage closet.
- One screw/picture hook in the kitchen.
- Three screws/picture hooks in the downstairs front lounge room.
- Two screws/picture hooks in the bedroom.

Application

On 29 January 2025, the landlords applied to Consumer Protection for permission to set conditions on the approval of the tenants' request.

The landlords' requested conditions were:

- Installation of screw/picture hooks to be carried out by a professional person recommended by the property manager.
- A receipt provided to landlords noting how many screws/picture hooks installed in each room.
- Limit of one screw/picture hook to be installed in each room specified by the tenants in the Minor Modification form to accommodate one large picture in each room.

Consumer Protection contacted the landlords to let them know how many screws/picture hooks the tenants wanted to install, and in which walls.

In a written submission to Consumer Protection on 25 February 2025 the landlords requested to change their last condition, limiting the number and placement of the screws/picture hooks, to:

- Two screws/picture hooks on the 6-meter-long wall from the back door to the storage closet.
- Two screws/picture hooks in the downstairs front lounge room, one on each of the two available walls without windows.

Evidence

The landlords and tenants were invited to provide evidence to support their views about the application.

The landlords provided the following evidence:

- Written submissions to Consumer Protection.
- Verbal statements to Consumer Protection.
- Floor plan of the lounge and family room.

The tenants provided the following evidence:

- Written submissions to Consumer Protection.
- Verbal statements to Consumer Protection.
- Email correspondence between tenants and agent.

Law

Under the RTA, tenants have the right to make a minor modification at their rental premises with the landlord's approval.¹

Unless otherwise agreed in writing, the tenant is responsible for the cost of:

- making the modification; and
- removing the modification; and
- restoring the premises to the original condition.²

Landlords have the right to apply to Consumer Protection for an order allowing them to set conditions on the approval of a minor modification request.³

The landlord is responsible for demonstrating that the conditions are reasonable.

When an application is received, the Commissioner is required to, either:

- approve the landlord's application; or
- refuse the landlord's application.⁴

¹ Section 50N *Residential Tenancies Act 1987* (WA).

² Section 50ZB *Residential Tenancies Act 1987* (WA).

³ Section 50T(2) *Residential Tenancies Act 1987* (WA).

⁴ Section 50T(3) *Residential Tenancies Act 1987* (WA).

Reasons for Decision

As a delegate of the Commissioner, I have reviewed all evidence. Only the evidence relevant to deciding this application is mentioned in these reasons for decision.

When deciding whether to approve a condition, I am guided by the following factors:

- Is the proposed condition appropriate, reasonable and proportionate to the risk?
- Is the proposed condition covered under any other law?
- Do the parties agree to the proposed condition?
- Does the proposed condition address any of the following factors in the RTA such as:⁵
 - If the modification would be unsafe or would make the premises unsafe.
 - If removing the modification at the end of the tenancy would not be practical; or would cost more than the security bond.
 - The tenant is making a minor modification on a surface that is tile, exposed brick or exposed concrete that involves drilling, nailing or otherwise permanently altering the surface; and there is a significant risk of damage from the modification.

Requested condition - Installation of screw/picture hooks to be carried out by a professional person recommended by the property manager.

In their written submission to Consumer Protection, the landlords expressed concerns that incorrect placement of screws or picture hooks by a non-professional could damage electrical wiring, internet cables, water pipes, masonry, and brickwork. Additionally, the removal of these items at the end of the tenancy could require painting to restore walls to their original condition, with potential difficulty in matching the paint colour.

The tenants stated in their written submission to Consumer Protection that they have experience retrofitting [redacted] with custom wooden and aluminium framing, repurposing them into [redacted].

The landlords have not provided evidence to demonstrate that the tenants installing the screws/picture hooks themselves would likely cause the damage they are concerned about, or damage exceeding the amount of the security bond. A security bond of \$2720 is held by Bond Administration for this premises.

The RTA does not require a professional tradesperson to install screws or picture hooks.

The tenants are responsible for removing the minor modification and restoring the premises to the same or similar condition, fair wear and tear excepted.⁶

The landlords' proposed condition places a higher requirement on the tenants than what is required by the RTA.

Considering the information from the landlords and the tenants, I am not satisfied that installation of screw/picture hooks to be carried out by a professional person recommended by the property manager is a reasonable condition to set on approving the tenants' request.

⁵ section 50S(3) *Residential Tenancies Act 1987* (WA).

⁶ Section 50ZB *Residential Tenancies Act 1987* (WA).

Requested condition - A receipt provided to landlords noting how many screws/picture hooks installed in each room.

In their written submission to Consumer Protection, the landlords stated the receipt is to be provided to evidence the screw/picture hooks have been installed by a professional person, giving them peace of mind and ensuring a safe and damage-free installation.

As the above section outlines, I am not requiring the tenants to have the screws/picture hooks installed by a professional person, so there will not be a requirement to provide a receipt of completed works to the landlords.

The landlords have engaged a property manager who can conduct routine inspections of the premise up to four times a year.⁷ Their report can advise the landlords of the location of the screws/picture hooks and any potential damages to the premises.

For this reason, I am not satisfied that a receipt provided to landlords noting how many screws/picture hooks installed in each room is a reasonable condition to set on approving the tenants' request.

Requested condition - Limit the number and request specific placement of screws/picture hooks.

In their written submission to Consumer Protection, the landlords raised concerns that refilled masonry does not have the same integrity as the original and suggested the tenants use adhesive wall hooks for additional smaller pictures, to minimise potential damage.

The landlords then stated that since the front lounge room is open plan, with two walls that do not have windows, they request only one screw/picture hook be installed on each of those walls. The landlords also request a maximum of two screws/picture hooks to be installed on the 6-meter-long wall from the back door to the storage closet, as that is reasonable for the space.

The landlords did not specify what they meant by 'integrity', and have not provide any evidence that the installation of screws or picture hooks would be to a surface that is tile, exposed brick or exposed concrete, or that they may permanently alter the structure of the wall, or make it unsafe

I am unable to determine definitively that adhesive hooks cause less damage to walls than screws or picture hooks, as it depends on the size and weight of the wall hangings. The landlords have not provided evidence to support this position.

In their written submission to Consumer Protection, the tenants stated that they wish to hang large prints, which may be heavy. They believe screws would better secure the prints and are concerned that adhesive hooks may fall, rip the paint, and damage the walls.

The landlords have not provided evidence to demonstrate how the installation and removal of screws/picture hooks would make the wall unsafe or why limiting the number is reasonable.

The tenants are responsible for removing the requested minor modification and restoring the premises to the same or similar condition, fair wear and tear excepted.⁸

⁷ Section 46(3) *Residential Tenancies Act 1987* (WA).

⁸ Section 50ZB *Residential Tenancies Act 1987* (WA).

For these reasons, I am not satisfied that I am not satisfied that the landlords limit to the number and placement of the screws/picture hooks is a reasonable condition to set on the tenants' request.

Appeal

A tenant or landlord who is dissatisfied with this decision can appeal to the Magistrates Court of Western Australia. Appeals must be lodged within seven days after receiving this decision, or a later date if leave is granted by the Court.

The appeal can be started by lodging both a [Form 1B – Appeal Against Registrar's Decision](#) and a copy of this notice with the Magistrates Court online at ecourts.justice.wa.gov.au/eCourtsPortal.

For information about appealing the decision see <http://www.commerce.wa.gov.au/consumer-protection/commissioner-determinations>.

Signed

[redacted]

Delegate of the Commissioner for Consumer Protection

DATE OF ORDER AND WRITTEN REASONS

[redacted] February 2025