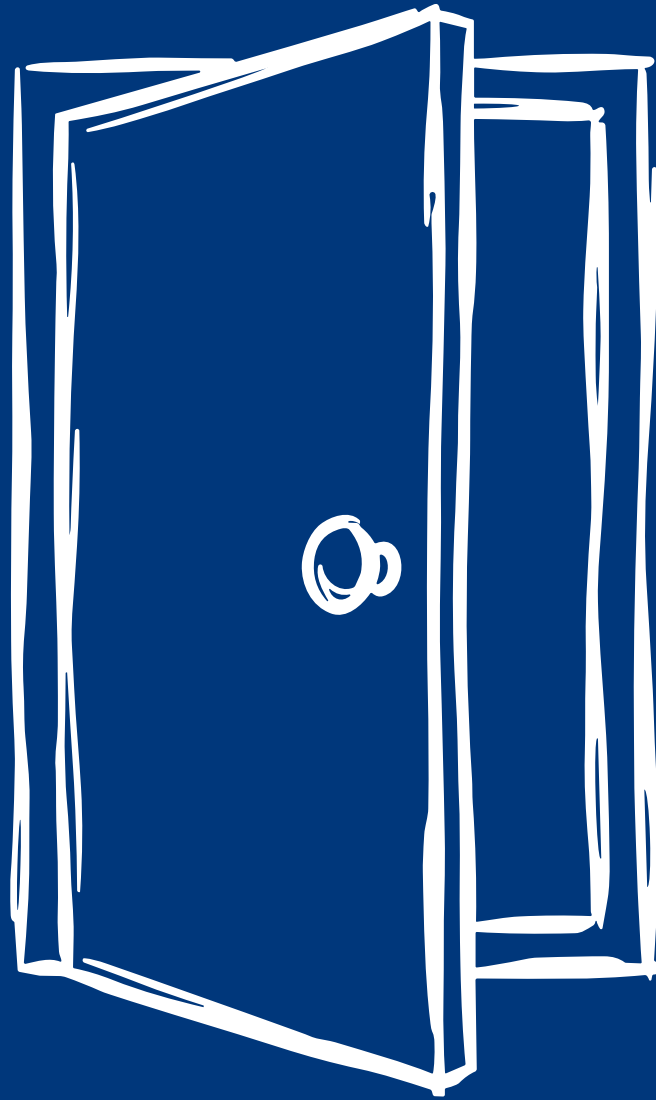




Evicted

How retaliation undermines
renters' rights in Victoria

Anika Legal acknowledges the Traditional Owners of the land on which we work and live, the Wurundjeri People of the Kulin Nation. We pay our respects to Elders past and present, and acknowledge that sovereignty was never ceded.

Anika Legal 'Evicted', Melbourne: Anika Legal September 2026.

This report can be viewed at www.anikalegal.org.au/blog/evicted.

This report has been supported by the William Buckland Foundation, the ANZ Community Foundation, and the Spencer Gibson Foundation.

This Project has been delivered in partnership with Consumer Policy Research Centre, Housing for the Aged Action Group, and the Council of Single Mothers and their Children.

We thank our university, community and corporate partners for their ongoing support of our work and research.

We also thank the many renters we work with for placing their trust in us to fight alongside them for a fairer rental system, and the renters who responded to our survey to share their stories with us.

Who we are

Anika Legal is a registered charity and community legal centre with a clear vision: a world where everyone can access justice.

We provide free ongoing legal services to Victorian renters with repair issues, bond disputes, and those facing a retaliatory eviction; balancing the scales so renters can stand up for their rights with dignity.

The rental system is failing a huge and growing proportion of Victorians. In June 2026, average rental prices in Melbourne increased 5.9% over 12 months, while the Wage Price Index increased by just 3.3% over the same period. The vacancy rate in Melbourne sat at just 1.6%, approximately 7,300 dwellings short of the benchmark for a healthy rental market.¹

The rental crisis has left renters in Victoria with fewer options and less power.

Every client case at Anika feeds an evidence base for our systemic advocacy, ensuring our reform agenda is both data-driven, and grounded in the lived experience of Victorian renters. We talk to renters to understand the issues that are most important to them so that when we speak, we speak for renters.



¹ SQM Research, rental vacancy rate data (2026). Accessed at: <https://propertyupdate.com.au/rental-vacancy-rates/>.

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Our retaliatory eviction service

Since June 2025, Anika Legal has provided free ongoing legal assistance to Victorian renters who received a Notice to Vacate shortly after exercising or proposing to exercise their rental rights.

Our retaliatory eviction service provided renters with ongoing casework by:

- Assessing the validity of their Notice to Vacate
- Providing advice about their options to delay or prevent an eviction
- Supporting them to avoid experiencing homelessness
- Negotiating with the rental provider on the renter's behalf
- Preparing advice and written submissions to challenge the eviction at a Victorian Civil and Administrative Tribunal (VCAT) possession hearing

In addition to our casework, we surveyed renters, conducted interviews, and completed data analysis to capture renters' experiences.

Evicted was completed in collaboration with our project partners, Consumer Policy Research Centre, Housing for the Aged Action Group, and the Council of Single Mothers and their Children.

This report reflects the insights we have gathered from our casework and action research between June 2025 – August 2026 (Reportable Period).

Understanding the data in this report

Casework Data (*)

This is data we have collected through assisting **64 renters** with retaliatory evictions.

Survey Data (#)

We reached out to the renters assisted by our retaliatory evictions service, and we had **31 renters** complete the telephone survey. The survey captured both qualitative and quantitative questions about the renters' experience. This data was collected and analysed by CPRC.



The impact of our service

Renters who received assistance through our retaliatory evictions service:



Reported improved understanding of their rights as a renter



Client satisfaction score

“

“We were super grateful for your help... without your help we wouldn't have known what to do and were stressed about being homeless, so when your team helped, we knew that till we found a place we'd at least have a place to live.”

“Receiving a notice of eviction at such short notice was incredibly stressful... Having Anika Legal support us throughout this process has made a significant difference. They helped us understand our rights as tenants, provided clear guidance, and gave us the confidence to navigate a situation where tenants can often feel taken advantage of. Their professionalism, knowledge, and support during such a difficult time have been invaluable, and I am truly grateful for their assistance.”

“I wanted to share a big thank you to everyone at Anika who has helped me navigate this stressful process. Everyone I've interacted with have been so kind & informative - it really made a massive impact for me.”

“My situation has been very complex and has spanned over 18 months. It hasn't been an easy fix for me, or for any legal services. However, the ongoing and sincere support and efforts I've received from [Anika Legal] has been a major part in my ability to continue to gain the legal basic rights I deserve... an authentic voice supporting me when I felt completely unsupported and afraid.”

“Anika handled everything in a manner that instilled confidence and impressed me with professionalism.”

“I would like to say that the help given to us by [Anika Legal] was fantastic. They were honest and open about what the procedure was and how it was going to work... it was a God send during this stressful time.”

“I'm really glad I reached out to Anika Legal for support with my rental issue. I didn't feel confident challenging my rental provider and agent... Having legal assistance step in and communicate directly on my behalf made a big difference... Having guidance from a team that truly understood my situation and clearly explained my options was invaluable.”

”

Summary of Findings

- 1. Fear of retaliation deepens the power imbalance between renters and rental providers**
2. The ban on no-grounds evictions has not stopped retaliatory evictions
- 3. Victorian laws do not protect renters from retaliation**
4. The rental crisis raises the stakes of retaliation
- 5. Renter displacement disrupts far more than just housing**
6. Victoria lags behind other Australian jurisdictions

Summary of recommendations

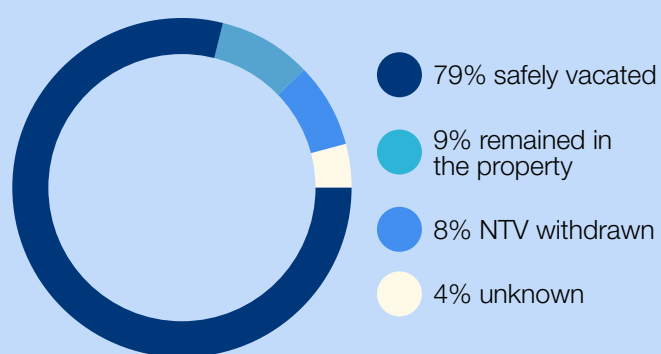
- 1. Introduce a legislative ban on retaliatory action**
2. Require rental providers to give renters more time
- 3. Improve regulation in relation to evictions**
4. Increase the supply of affordable rental housing

Data snapshot

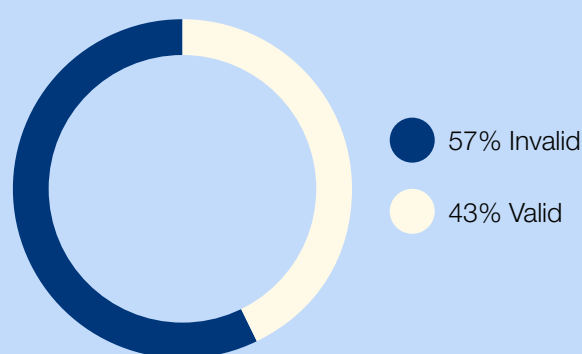
During the Reportable Period:

- We provided ongoing casework to **194 renters** at risk of retaliatory eviction through our repairs service
- We provided ongoing casework to **64 renters** who received a Notice to Vacate within 6 months of exercising or proposing to exercise their rental rights.
- We completed a telephone survey of those renters who received a Notice to Vacate which **31 renters** participated in.

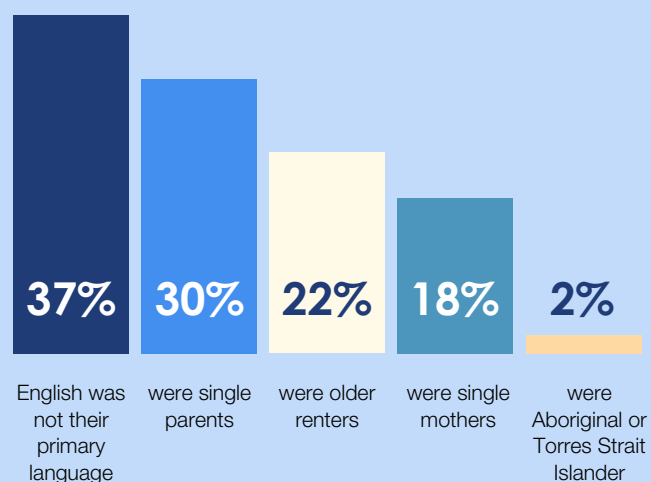
Outcomes for resolved eviction cases*



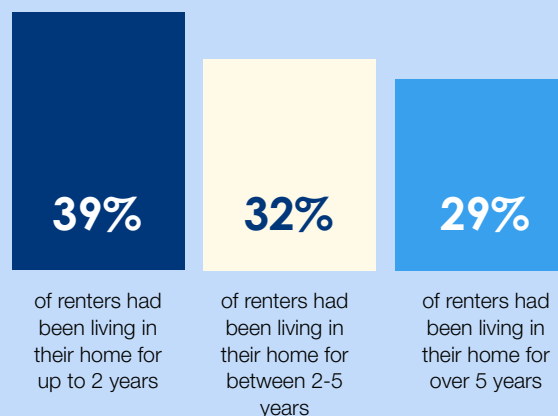
Validity of Notices to Vacate*



Renters helped*



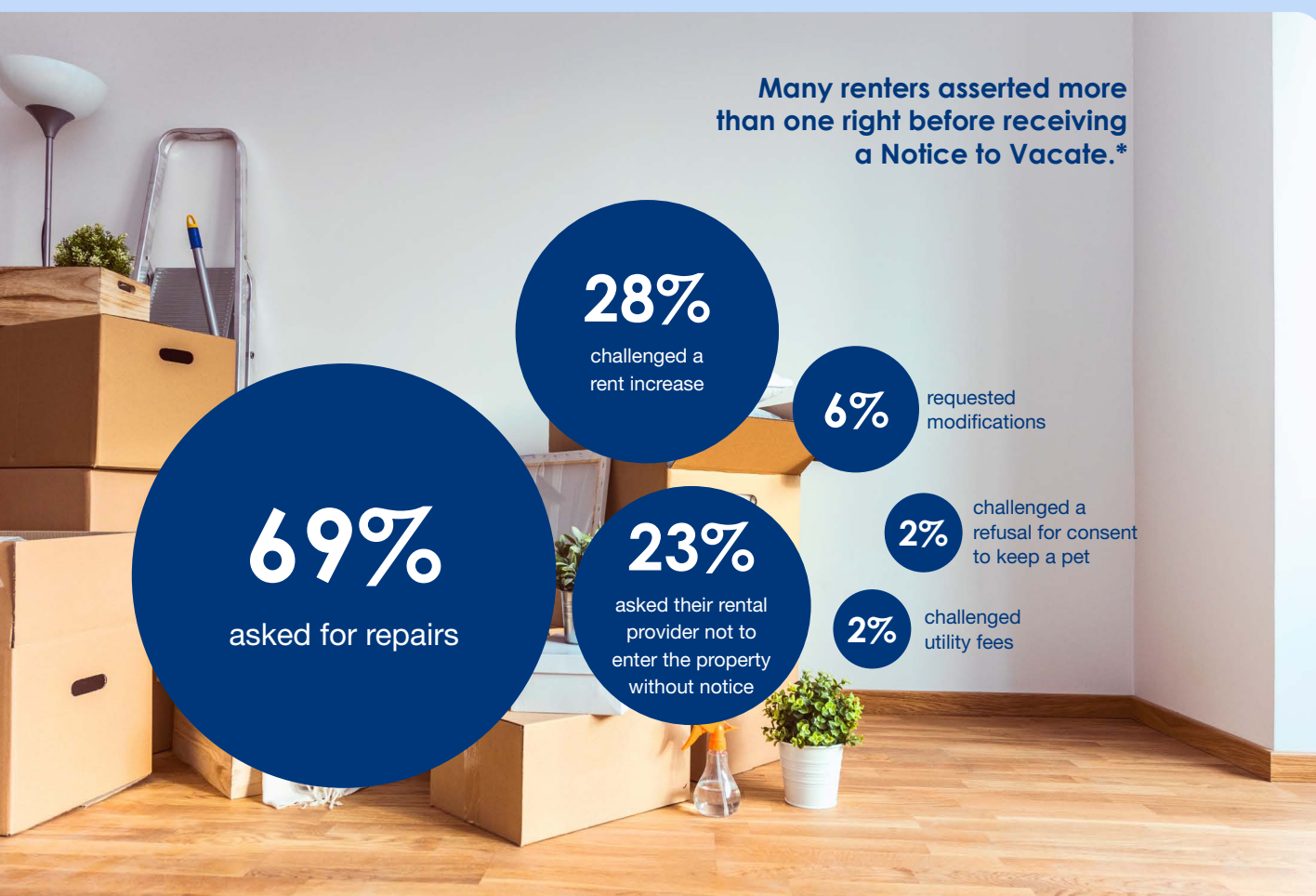
Circumstances#



Retaliatory evictions

The law grants renters certain rights, aimed at preserving their dignity and their overarching entitlement to safe and secure housing. Through our retaliatory eviction service, we supported renters who exercised one of those rights and were soon after handed a Notice to Vacate for a purported valid reason.

What rights were renters exercising before they were evicted?





85%

of renters who asked for repairs reported that the repairs were never completed.[#]

39%

of renters received 2 or more successive Notices to Vacate[#]



"The agent refused to do the repairs so we had to go to VCAT and get an order, forcing them to do it. It got so bad that VCAT ordered us to pay our rent into a special account, so that the landlord wouldn't get the rent until they fixed the issues... then they issued the Notice to Vacate."



"They ignored my repair requests, I kept bringing them up every few months, and then they issued me with a Notice to Vacate and asked me to leave"



"We raised it a couple of times via email, text message and phone calls. Seven months of that - we took pictures and logged it onto the agency repair portal, they responded that someone would come and have a look but nobody did... A few weeks went by then when we followed up, they issued us an NTV."



"After I raised the issue, no action was taken and then I received a Notice to Vacate"

What reason did the rental provider give for eviction?*

34%

cited sale of the property

28%

cited the rental provider or a family member moving in

17%

cited repairs or renovations

10%

were no-grounds evictions

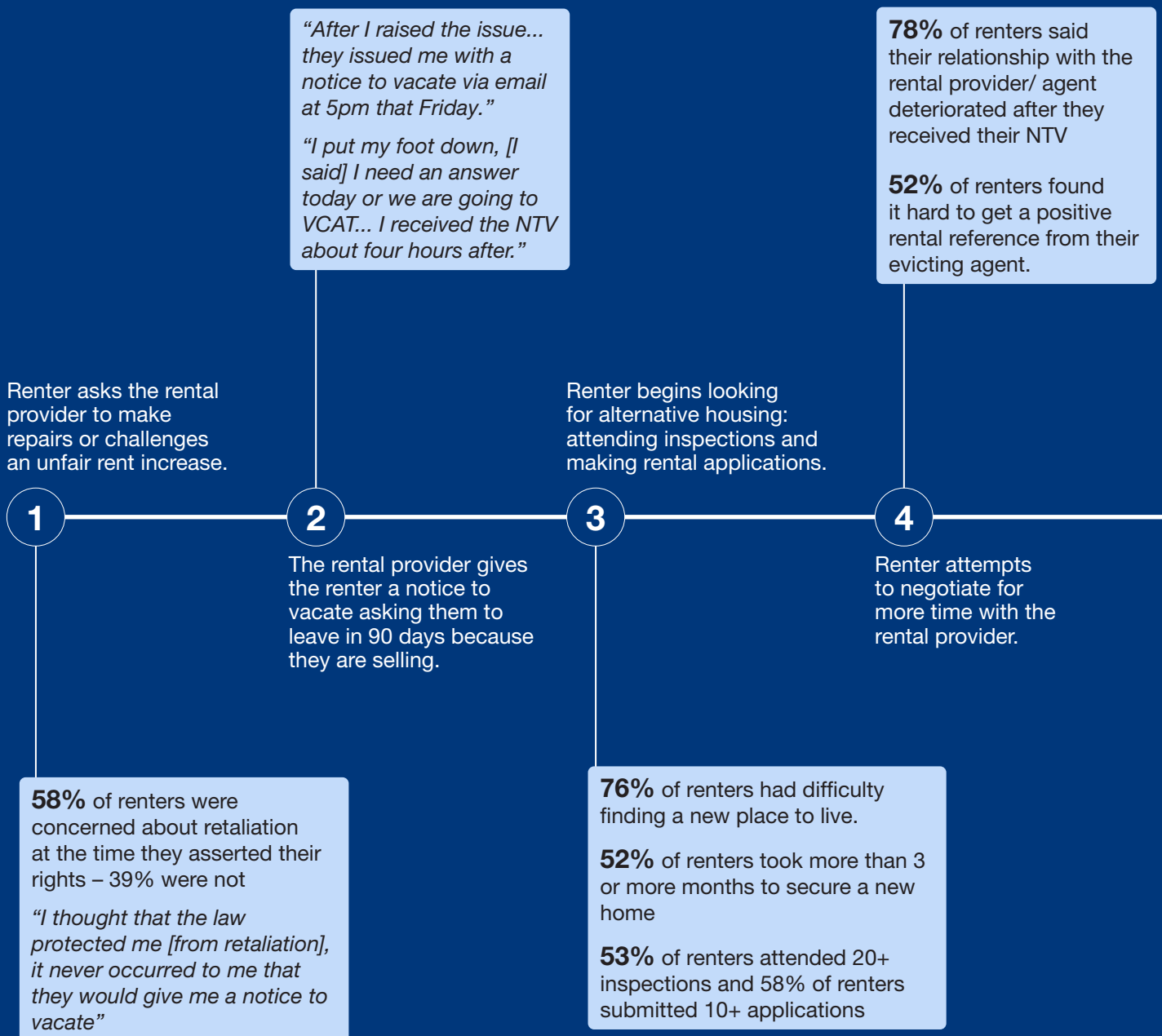
10%

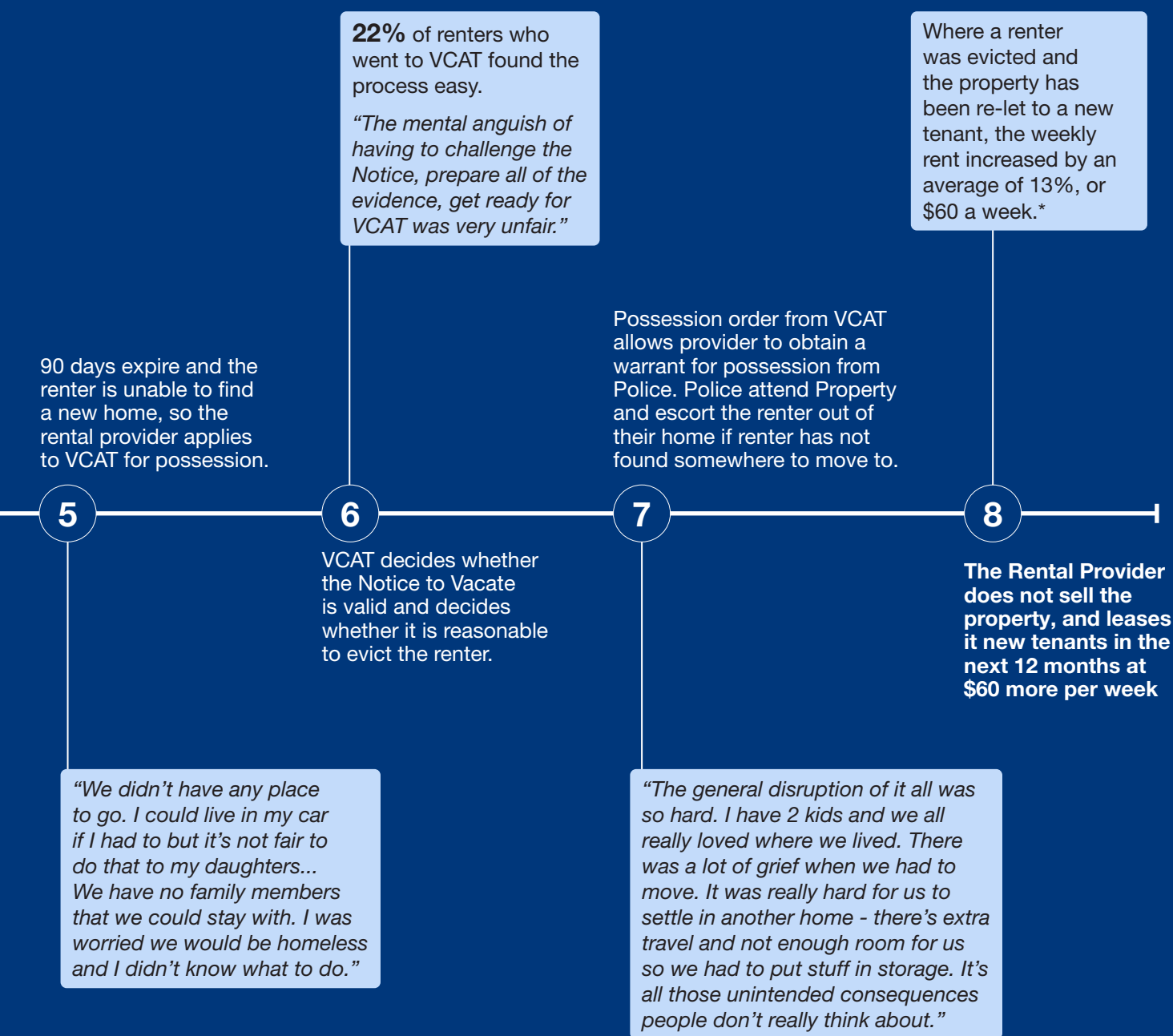
other reasons

In properties that have been re-let to new tenants in the 12 months since our client was evicted, the weekly rent increased by an average of 13%, or \$60 a week.



What Retaliatory Eviction Can Look Like[#]





The health and wellbeing impacts on renters

Renters going through this process reported that they experienced varying levels of physical and psychological harm as a result of receiving a retaliatory eviction.

“The Notice to Vacate had a significant impact on both myself and my children. At one point I was so stressed that I had to go to hospital with chest pain. After months of looking for another home and after the second VCAT hearing, my kids were even asking “are we going to be homeless?” It was awful. I’m still in therapy from the experience as it was so traumatic.”



“I had the worst time of my life. I had panic attacks, my blood pressure through the roof, severe anxiety, and had depression. I couldn’t stop crying. I saw my doctor and psychologist more often during this entire process. The after effects of being homeless triggered me severely. I feel like I had another nervous breakdown.”

“Both myself, my partner and my children all experienced significant trauma from the Notice to Vacate and the circumstances surrounding it.”

“I would say every person in the house experienced physical and mental health issues. I have been homeless since moving out and so have 3 other house mates. Nobody has been able to find housing.”

“It caused me significant anxiety and stress. I’ve had problems before with my mental health and this experience brought back that stress. I was unable to sleep and was in a highly stressed state the whole time. My previous cardiac issues recurred.”

“My daughter and I were shocked, she was crying. I felt burnout and could not cope so needed to take time off work. We were afraid that we would be made homeless.”

87% of renters said they or the people they lived with experienced physical and mental health issues because of the NTV.

Before being evicted, how long were you planning to continue living in your rental property?#



36% indefinitely

25% another 2 – 5 years

25% another 1 – 2 years

11% another 6 – 12 months

Why did you want to stay?

"I need to be close to my family and friends as an elderly person with serious medical needs. My doctors are all local and I can't move too far away from this area... If I'm forced to leave this community, I will need to start over somewhere new which is really hard to do at 73 years of age."

"I wanted to complete my studies before I would have to move again. The disruption to my studies was going to cause me a lot of issues."

"We just loved it there. It was over the road from a park... it was close to the kids' school, close to work. It also had solar panels, which our new place does not have, so our energy bills have gone up dramatically."

"[We wanted to stay because] my sons have disabilities - they had a yard and a trampoline."

"It was primarily because we liked the location and we had a strong sense of community in Flemington where we lived, we liked the options of childcare kinder and school nearby and it was well positioned for myself and partner's work. Despite the home being riddled with issues and the landlord being difficult, we really loved the home it was a really nice home."

"It was a very nice property and very close to our university tram line. Our neighbours were very nice and we made very good friends with them so we had a local community. My partner and I really like gardening and we had already started growing a lot of vegetables in the yard."

Our research shows that retaliatory eviction does not just force a renter to unexpectedly move. It severs the schools, doctors, routines, relationships and community connections a renter had spent years building and replaces years of stability with the uncertainty of starting over.

"After several years of renting I have lost all faith in the rental system am over the exploitation and constant hoop jumping"

"The [Rental Provider's] behavior really impacted my sense of security living in my home and my faith in safe housing...They did not treat us with dignity at all throughout the entire process. They treated us like animals. This really damaged my self-confidence and wellbeing."

"I felt increased anxiety around housing insecurity... the impact on my children having to move house so quickly after we had just moved in and that feeling that we just didn't belong anywhere. We lived opposite to a basketball court and my sons love basketball and they lost all of that and increased traffic time as we're further away from school."

The financial impacts of retaliatory evictions on renters

Renters also told us about the significant financial impacts and costs involved with receiving a retaliatory eviction.[#]

71%

of renters told us that they experienced financial issues because of the NTV.

36%

of renters estimated the total approximate costs to be more than **\$10,000**.



Renters told us that the cost of being evicted typically fell between \$5,000 – \$20,000.

"As a low income earner (I'm on a pension) I wasn't expecting to move my family out. There was the costs of removalists, the costs of selling furniture as I'd have to move into a smaller place, having to wait for the bond to be reimbursed and having to put up another month of rent."

"My wife was pregnant at the time and I was the sole bread winner. I had to leave work early on a number of occasions to drive with her to inspections, trying to look at our options so that we'd have somewhere to go before the baby arrived. It cost us a lot of time and money."

"I had to pay for temporary repairs myself when I realised they weren't going to fix anything before kicking me out. I had to buy new things to replace furniture and belongings that were damaged by the leak and I had to attend so many inspections, making it difficult for me to apply for jobs at the same time... I also spent so much time and energy trying to fight them which I can't get back."

"I had to take time off work to attend rental inspections... It's a vicious circle - because I'm taking time off work to inspect properties it means that my pay is down by about 30% and new property managers are looking at my last three payslips."

"It cost me so much money to drop out of my studies and fail subjects while this was going on.... I had to throw a lot of my belongings out because I don't know if it will all fit in the new home. Running around looking for new houses cost me so much money. I don't have a car so I had to take taxis to inspections. Time is also money - it is valuable and precious and I have spent so much time dealing with this unnecessary burden."

"Seeing medical professionals due to our mental health impacts costs a lot of money. I also lost income because I couldn't work during this time due to the stress and instability...There are losses that you can't calculate and I can't get compensation for the time, stress and energy this cost me."

"I haven't been able to work for many years because of my long-term medical conditions.... having to pay for additional appointments, taxis to open for inspections, moving costs, increasing rent, professional cleaning has been really difficult."



Our research has shown that the costs associated with retaliatory eviction are most felt by vulnerable renters who can least afford them. For pensioners, single parents, and renters already living with serious health conditions or disability, a few thousand dollars is not an inconvenience but a crisis.

Finding 1

Fear of retaliation deepens the power imbalance between renters and rental providers

Renters do not raise problems with their rental provider, even when they are legally entitled to, because they fear what will happen if they do.

In 2025, CPRC's research found that 79% of Victorian renters experiencing at least one rental problem in the preceding 12 months, yet only half made a complaint, and 39% either gave up, moved or did nothing at all. 54% told CPRC that they worry about landlord retaliation, including eviction², and 81% of renters who had pursued their rights at VCAT told Anika Legal they were concerned about retaliation.³



"I've never had a positive experience in asking for repairs in a rental property in my life".

"Given we had disputed a rent increase in the past, we felt quite strongly that the rental provider might do something like issue a Notice to Vacate"

"When the Agent swapped hands he was happy for us to force the issue with the bathroom but he said we should have a backup plan for somewhere to live as he felt we'd be evicted for forcing the issue"

"You just never know what might happen, it's kind of like being held to ransom"

A right that a renter is too afraid to use protects no one. The fear of retaliation widens the existing power imbalance between renters and rental providers. Rights that exist to correct that imbalance, instead become redundant in the face of renters weighing up the risk of losing their home, while the rental provider faces no equivalent risk at all.

² Consumer Policy Research Centre, Renting in Reality – Insights from Victorian Renters (Report, 2025).

³ Anika Legal, Unrepresented: Improving VCAT and RDRV for Self-Represented Renters (Report, November 2025).

Finding 2

The ban on no-grounds evictions has not stopped retaliatory evictions

Since November 2025, rental providers in Victoria can no longer evict a renter unless they have a valid reason. But stating a reason is not the same as proving it, and Victorian renters are still frequently evicted shortly after asserting their rights. In practice, this means a rental provider can use a 'valid' reason to disguise retaliation.

Our data indicates that the reason cited in a notice frequently does not correspond with what subsequently occurs:

- Where a renter was evicted and the property has been re-let to a new tenant, the weekly rent increased by an average of **13%, or \$60 a week**[#]
- **57% of notices to vacate** we assessed were invalid because the rental provider failed to provide sufficient evidence to prove that they had grounds for the eviction*
- **39% of renters** received 2 or more successive notices.[#]

The law contains one penalty for a rental provider who doesn't follow through on their stated reason: a fine applies where a provider says they intend to demolish, operate a business, move them or their family in, or sell the property and instead

re-lets it within 6 months. Not only does enforcement of this penalty rely on the renter monitoring the property address consistently after they've moved out in order to report it, our data also shows how easily this is avoided, and how much it leaves uncovered:

- A rental provider who says they're selling and re-lets in 7 months faces no penalty at all, one month outside the window.
- A rental provider who says they're doing major repairs or renovations, then does a quick paint job and re-lets immediately at a higher rate, faces no penalty either.

Our research shows that the ban on no-grounds evictions did not sufficiently prevent retaliatory evictions, and fines for re-letting properties that are not actively monitored by CAV carry little weight. Unless documentary evidence requirements have teeth, and there are real consequences for rental providers who don't do what they say they are going to do, Victorian renters are vulnerable to being given a Notice to Vacate for a 'valid' reason which functions as a cover for retaliation.

Case Story

Steven, a renter in Melbourne's eastern suburbs, spent a year asking his rental provider to fix ceiling leaks and mould. When they refused, he won a VCAT repair order. The same day, he was given a Notice to Vacate for repairs and renovations. The first NTV was invalid because the supporting tradesperson quote cited an unregistered ABN. He challenged it at VCAT and won. The same day, a second notice arrived, this time for sale of the property, backed by an exclusive sales authority to sell the property on a set date with vacant possession. It was also invalid, because the agent hadn't signed the sales authority. VCAT set that aside too, and the rental provider issued a third notice, this time valid. Steven moved out. Two months later, the property hadn't sold. It had been re-let, at \$100 a week more than he'd been paying.

Finding 3

Victorian laws do not protect renters from retaliation

Even where a renter believes, and can point to real evidence, that a Notice to Vacate was given in retaliation for asserting their rights, Victorian law gives them no real avenue to make that argument and be heard on it.

Prior to November 2025, the Act stated that a renter could challenge a no-grounds eviction as retaliatory, but a legislative drafting oversight meant no section of the Act actually gave VCAT the power to hear that challenge or make an order on it. Renters who tried to raise retaliation pre-emptively were told, at the hearing, that the Tribunal had no power to make that finding.

Case Story

Jane, a renter in Melbourne's northern suburbs, received a VCAT order allowing her to keep her pets at the property when her landlord had refused her request. The next business day, her landlord gave her a notice to vacate under the old 'no-grounds' eviction provisions. Jane applied to VCAT to challenge the eviction on the basis that it was retaliatory. At VCAT, the Member told her that, although the Notice to Vacate was clearly retaliatory, VCAT didn't have any power to do anything about it. The case was dismissed, with no outcome for either party. Jane then had to wait until the possession hearing to make her case, where it was unclear whether she could even raise retaliation at all. In the face of this uncertainty and unable to find a new rental, Jane capitulated, moved in with a friend and has been unable to secure permanent housing for over six months.

Where the right to pre-emptively challenge a retaliatory eviction is not available, retaliation can only otherwise be raised at a possession order hearing, and it is not specifically listed as a factor VCAT must consider before making a possession order. More significantly, even where a clear temporal connection exists between the renter asserting their rights and the giving of the Notice to Vacate, VCAT may still make a possession order.

There is no adequate protection against retaliation in the Victorian legislation, and renters are excluded from bringing a retaliation claim on its own terms.

Finding 4

The rental crisis raises the stakes of retaliation

Fear of retaliation does not exist in isolation from the broader conditions of the rental market. In a healthier rental market, a renter facing poor treatment might reasonably weigh leaving a tenancy against the difficulty of finding another. In Victoria's current market, many renters cannot afford to make that trade at all.

As of June 2026 in Melbourne, the rental vacancy rate sat at just 1.6%, roughly 7,300 dwellings short of the benchmark for a healthy market. Our data shows exactly how hard the rental crisis has made it for renters facing retaliatory eviction to find a new home.

76% of renters told us that they had difficulty finding a new place to live. **52% took more three or more months to secure a new home**, with the majority attending more than twenty inspections and submitting more than ten rental applications before finding somewhere.

"The stress [of finding somewhere new] impacted us all... We all worked in the community sector advocating for people who are vulnerable and we realised we were also vulnerable and facing homelessness."

"I've been looking non-stop for a suitable alternative rental in the local area with no luck. It's been totally demoralising and disheartening and feels like no one cares."

"I've seen the queues of people lining up at rental properties for open inspections... [it is] very difficult to find somewhere else to move to."

"I didn't have anywhere to go, I am on a Pension because of my disability and a single father to two daughters. I couldn't afford to move nor could I find somewhere that I could afford. I was on the waitlist for social housing but nothing came up... We would have been homeless if they evicted us."

"After months of looking for another home and after the second VCAT hearing, my kids were even asking 'are we going to be homeless?'" It was awful. I'm still in therapy from the experience as it was so traumatic"



The standard notice period for many Notices to Vacate is 90 days. With over half of displaced renters taking longer than 90 days to secure a new home, many are still searching once their legal right to remain has run out. A second barrier compounds this: many struggle to get a positive reference from the same rental provider or agent who is evicting them.

These conditions raise the cost of retaliation on both ends. They make renters more likely to tolerate poor conditions and stay silent rather than risk eviction, and they make the search that follows an eviction notice longer, costlier, and more precarious for those who speak up anyway.

The result is that people who would not otherwise be at risk of homelessness are placed at serious risk of experiencing exactly that. A renter with a stable income and a clean rental history can still end up applying for dozens of properties and running out their notice period with nowhere secured.

Finding 5

Renter displacement disrupts far more than just housing

For most renters, a home is not a transitional arrangement. Before receiving a Notice to Vacate, **36%** of the renters intended to stay in their home indefinitely, and a further **50%** planned to stay at least another one to five years.[#] These are not renters biding their time until something better comes along. They are people who had settled and built a life around a property they expected to keep.



"I wanted to give my son the stability to stay in the same home whilst he finished school. But beyond that, it was the social connection... Our whole lives and support systems were in the local community. Having to move to a different area really changed everything."

"We were close to our friends and family, close to our local doctors, gyms and activities. We liked the house a lot and we'd spent money improving it over 4 years, investing our time and care into it as if it was our own home."

Retaliatory eviction does not just interrupt this stability; it dismantles it. **87%** of renters told us that they or the people they lived with experienced physical or mental health issues as a direct result of their Notice to Vacate[#], including panic attacks, hospitalisation for stress-related symptoms, and increased suicidality. Evidence from a Swedish study showed that people experiencing threat of eviction were four times more likely to die by suicide compared to those who were not.⁴ Suicide Prevention Australia and Black Dog Institute state that suicide rates rise dramatically amongst individuals facing housing insecurity and the prospect of eviction.⁵

71% reported financial issues, with typical costs between \$5,000 and \$20,000. **36%** estimate total costs above \$10,000.[#] Many renters told us that the experience impacted their employment, education, transportation costs and the invaluable cost of time they cannot recover dealing with the issue.

Retaliatory evictions dismantle renters' lives through displacement and disruption, causing immediate and long-term health and social impacts, all for the simple act of asking a rental provider to meet an obligation they have a duty to uphold.

4 Rojas, Y. and Stenberg, S.-Å., "Evictions and Suicide: A Follow-Up Study of Almost 22,000 Swedish Households in the Wake of the Global Financial Crisis," *Journal of Epidemiology and Community Health* 70(4) (2016): 409–413; Morris, A., Li, Y., Moore, J. and Giang, T. T. M., "The Impacts of the Threat of Eviction or Actual Eviction on Private Renters in Two Australian States," *International Journal of Housing Policy* (2025).

5 Suicide Prevention Australia and Black Dog Institute, *The Worsening Rental Crisis in Australia* (Submission, 2023). Accessed at: <https://www.blackdoginstitute.org.au/wp-content/uploads/2023/08/Joint-Submission-by-BDI-and-SPA-on-the-Worsening-Rental-Crisis>.

Finding 6

Victoria lags behind other Australian jurisdictions

In New South Wales, Queensland, Western Australia and South Australia, a renter who believes their eviction was retaliatory can bring that claim to a tribunal and be heard on its merits, something Victorian renters have never been able to do (see Finding 3). Other jurisdictions extend retaliation protections beyond just evictions, to also cover retaliatory rent increases, breach notices, and refusals to renew a lease. A renter typically only needs to show that retaliation was part of the rental provider's motive, not the whole of it, and some tribunals can order compensation running to several thousand dollars where retaliatory conduct is found.

Other countries show what a genuine evidentiary check looks like, and what happens without one. In Hamilton, Canada, a rental provider who wants to evict a tenant for renovations must obtain a licence, and have a certified architect or engineer confirm the work genuinely requires the tenant to leave, before the eviction can proceed. Where that threshold is met,

the rental provider must allow the renter to return to the property after the repairs are completed and must cover the renters' costs of temporary relocation.⁶ Following these reforms, renovation eviction notices dropped 80% in the first year.⁷ Ottawa introduced a similar bylaw without that professional verification requirement, and without mandatory compensation for relocation, and has produced no comparable result.⁸

Victoria has none of this. A rental provider here can state a reason for eviction, face limited scrutiny as to whether the reason is genuine, and face no penalty at all if the reason turns out to be false, except in very limited circumstances (see Finding 2). Every mechanism described above - a genuine hearing on retaliation, a substantial evidentiary check, and a meaningful and enforceable penalty for acting in bad faith - already exists and is already working elsewhere. Victoria does not need to invent a solution; it needs to adopt one.

6 CBC News, "Hamilton Moves to Strengthen Renoviction Bylaw with 1 Year of Data, Renter Feedback" (2026). Accessed at: <https://www.cbc.ca/news/canada/hamilton/renoviction-update-9.7142116>.

7 Ellen Mauro, "Hamilton Moves to Strengthen Renoviction Bylaw with 1 Year of Data, Renter Feedback," CBC News (2025). Accessed at: <https://www.cbc.ca/news/canada/hamilton/renoviction-update-9.7142116>.

8 Ellen Maertens, "Ottawa's New Renoviction By-law Leaves Tenants Wanting More," The Fulcrum (15 July 2026). Accessed at: <https://thefulcrum.ca/news/ottawas-new-renoviction-by-law-leaves-tenants-wanting-more/>.

Recommendations

Recommendation 1: Introduce a legislative ban on retaliatory action

In Victoria, renters are not adequately protected from retaliatory action from their rental providers. Our research shows that renters may be punished for exercising their rights, and this punishment, at its most severe, can take the form of a retaliatory Notice to Vacate placing the renter at serious risk of homelessness.

Our research demonstrated the lack of protection available, as 69% of our clients exercised their right by requesting repairs to be carried out,* and 85% of them told us that the repairs had not been carried out by the time they vacated the property. VCAT does not have the power to hear and determine whether a rental provider's actions are retaliatory, while such a power is afforded in other jurisdictions.

We are also aware that rent increases often operate as a constructive eviction, whereby the rental provider increases the rent in response to the renter asserting their rights. As a result, the renter's inability to afford the increased rental payments places them at risk of eviction for rent arrears.

We recommend that the Victorian government introduces a provision into the *Residential Tenancies Act 1997* (Vic) which:

- Allows a renter to make an application to VCAT to challenge a Notice to Vacate on grounds that it is retaliatory; and
- Gives VCAT power at that hearing to:
 - Find that a Notice to Vacate is of no effect where it was wholly or partly retaliatory; and
 - Exercise the discretion to award the renter compensation where a finding of retaliation is made.

Recommendation 2: Require landlords to give renters more time

Our research found that retaliatory evictions are most often given for a reason where the renter has not committed any breach of duty, including for repairs and renovations, sale of the property, or the rental provider or their family moving in. Under current laws, the notice period for these types of Notices to Vacate is 90 days.

Our research found that most renters took three or more months to secure a new home, in a market with a vacancy rate of just 1.6%. For renters facing eviction today, 90 days simply isn't enough time to find somewhere else to live and safely avoid homelessness.

An inadequate notice period compounds every other harm documented in this report. A renter racing against an insufficient notice period is not just at serious risk of experiencing homelessness. They are also at serious risk of the financial and psychological harm that comes from trying to solve an impossible problem in too little time.

We recommend that the Victorian government increases the minimum notice period for Notices to Vacate under ss 91ZX, 91ZY, 91ZZA, 91ZZB of the *Residential Tenancies Act 1997* from 90 days to 120 days.

We further recommend that the Victorian government considers increasing the minimum notice period for equivalent Notices to Vacate made under Parts 3, 4 and 4a of the *Residential Tenancies Act 1997* from 90 days to 120 days.

Recommendation 3: Improve regulation in relation to evictions

The law currently prescribes a penalty for a rental provider who cites demolition, use as a business, moving in or sale of the property as grounds for eviction, and then re-lets the property within six months. Even on its own terms, this penalty is easy to avoid: a rental provider who re-lets in seven months, one month outside the window, faces no penalty at all. Likewise, a rental provider who evicts a renter for major repairs and renovations, then completes a quick paint job and re-lets the property immediately, faces no penalty.

Even where the penalty does apply, there is no practical mechanism for Consumer Affairs Victoria (CAV) to monitor the properties it should catch. Monitoring and enforcement currently relies entirely on an evicted renter routinely checking publicly available databases to see whether their old home has been re-let, and then reporting the offence to CAV themselves to seek enforcement of the penalty. An infringeable offence that is not actively monitored or enforced carries no weight.

Finally, while a fine may deter a rental provider from committing a similar breach in the future, its incapable of ameliorating the stress, financial costs, emotional hardship and potential homelessness the renter has already suffered.

We recommend that the Victorian government amends s 91ZZH to expand the prohibition on re-letting to rented premises to notices to vacate given under s 91ZX of the *Residential Tenancies Act 1997*.

We recommend that, where a rental provider issues a Notice to Vacate on a ground covered by section 91ZZH, they be required to register the property address, the ground relied on, and the termination date with Consumer Affairs Victoria within 14 days of the notice being given.

Recommendation 4: Increase the supply of affordable rental housing

Our research shows that the harm caused by retaliatory eviction is magnified by the state of the rental market renters are forced back into. 76% of renters had difficulty finding a new place to live, 52% took three or more months to secure one,⁹ and many were still searching once their notice period had already run out, in a market with a vacancy rate of just 1.6%.

This scarcity does more than just make displacement harder. It is what gives retaliation its power in the first place. A renter who has nowhere else to go has every reason to tolerate poor conditions rather than risk losing their home, and a rental provider retains disproportionate leverage over a renter in exactly that position. The reforms recommended elsewhere in this report, including a ban on retaliation, longer notice periods, and stronger penalties and monitoring, address how a rental provider is held to account once retaliation occurs. None of them address why a renter felt they could not risk it in the first place.

We recommend that the Australian Government provide sufficient investment in building new, high-quality public housing, and support high-quality community and affordable housing where rents are capped at a portion of income.

This recommendation is consistent with Anika Legal and Better Renting's Essential Homes report, which calls on government to invest in public and community housing at the scale needed to meet current and future need.⁹

⁹ Reference: Anika Legal "Essential Homes" (2025) Accessed at: <https://anikalegal.org.au/blog/essential-homes/>

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