

Smoke alarm requirements in rentals

The *Residential Tenancy Act 1997* (the Act) requires owners to install and maintain smoke alarms for rented residential properties.

This Infosheet provides information for residential tenants, owners (landlords), and property managers regarding the rights and responsibilities of parties as outlined in the Act and the Residential Tenancy (Smoke Alarms) Regulations 2022.

Background

Since 2013, the *Residential Tenancy Act 1997* (the Act) has required owners to install working smoke alarms in all residential premises to which the Act applies. These requirements apply to all existing buildings that are tenanted.

The Act allows regulations to be made to prescribe a range of matters in relation to the maintenance, testing and replacement of smoke.

The *Residential Tenancy (Smoke Alarms) Regulations 2022* (the Regulations) applied from 26 December 2022, and replaced similar Residential Tenancy (Smoke Alarms) Regulations made in 2012.

What are my obligations as an owner?

Owners of tenanted premises must ensure that smoke alarms are installed and maintained in accordance with the requirements set out in the Regulations:

Power source of smoke alarms

The owner must ensure that all alarms installed in rental premises are either permanently connected to the power supply of the premises, or are powered by a 10-year non-replaceable battery.

Smoke alarms permanently connected to the power supply of the rental premises must also have an alternative power supply as a back-up.

Placement of smoke alarms

The owner must ensure that alarms are installed at specified locations with regard to the class of residential building. This is to ensure that the smoke alarms are able to detect smoke before it reaches sleeping building occupants. For example, a standard Class 1a building (i.e. a house) requires a smoke alarm in any storey that contains a bedroom; in each corridor or hallway associated with a bedroom; or if there is no hallway in a space between the bedroom and the remainder of the premises.

Appendix I provides clear examples and diagrams regarding the required placement of smoke alarms in rental premises for specific building types and classes.

Types of smoke alarms

An installed smoke alarm must comply with either of the below Australian Standards:

- AS 3786 – Smoke Alarms Using Scattered Light, Transmitted Light or Ionization; or
- AS 1670.1 – Fire Detection, Warning, Control and Intercom Systems– System Design, Installation and Commissioning – Part 1: Fire.

This means that ionisation or photoelectric smoke alarms may be installed.

Smoke alarms with removable 9 volt batteries do not comply with the regulations.

Testing and maintenance of smoke alarms

Smoke alarms must be tested before the first day of a new tenancy and must be in full operating condition when each tenancy commences.

Smoke alarms must be tested and maintained by the owner. This includes testing the smoke alarm to ensure that it is in effective working order, that power is supplied to the smoke alarm and that the smoke alarm has not reached its expiry date.

The owner must ensure that the following matters are checked or tested:

- power is supplied to the smoke alarm and it is ready to operate;
- any alternative power supply is ready to operate and will supply power to the smoke alarm during any interruption to the main power supply;
- back-up batteries are installed in respect of the smoke alarm (if required by the manufacturer) and are fit for operation;
- the smoke alarm is clean and free from dust or debris that may prevent air from entering it;
- the smoke alarm tests effectively in accordance with the manufacturer's testing regime; and
- the smoke alarm has not reached its expiry date.

For sophisticated smoke alarm systems in buildings, such as those installed in accordance with the AS 1670.1, the owner is required to maintain those systems in compliance with the procedures in AS 1851 – 2012 Maintenance of fire protection systems and equipment.

For a building containing a guest house or multiple tenancies such as apartments, flats or hotels (Class 1b, Class 2, Class 3, Class 4) the building owner has additional maintenance obligations under the Building Regulations 2016, as smoke alarms and similar fire safety features are prescribed “essential building services”. Compliance with the maintenance requirements under the Building Regulations 2016 will satisfy an owner’s obligations under the Residential Tenancy (Smoke Alarms) Regulations 2022.

Owners may use the services of a contractor or property manager/agent to test and maintain smoke alarms.

Requirements if a smoke alarm is defective or expired

If a smoke alarm is defective, the owner must repair or replace the defective alarm as soon as practicable after they become aware that it is not functioning effectively.

The owner must also ensure that smoke alarms are replaced prior to the expiry of the smoke alarm, as specified by the manufacturer (generally 10 years).

What are my obligations as a tenant?

The Act and Regulations also provide obligations on tenants in relation to smoke alarms in tenanted premises:

Cleaning and testing of smoke alarms

Tenants must test and clean smoke alarms every 6 months after the first date of possession of the rental premises.

The tenant must test the alarm by pressing the alarm's test button, to check that it is properly functioning. The tenant must also ensure the alarm is free from dust or debris that could prevent air from entering the alarm.

Tenants must notify the owner, or their agent, if they become aware that a smoke alarm is not functioning effectively.

Reimbursement of cost of replacement smoke alarms

If a smoke alarm installed in rental premises is not repaired as soon as practicable after the tenant notifies the owner, the tenant may arrange for the repair or replacement of the smoke alarm.

First, the tenant must notify the owner that they intend to arrange for the repair or replacement of a smoke alarm and to seek reimbursement for that repair or replacement.

If a tenant of rental premises pays for the repair or replacement of a smoke alarm arranged with the owner, then the tenant is entitled to reimbursement from the owner. The tenant's claim must include details of the nature and cost of repairs together with copies of any relevant receipts or invoices.

Further information

The below links provide additional information regarding smoke alarms in rentals:

- [Residential Tenancy Act 1997](#)
- [Residential Tenancy \(Smoke Alarms\) Regulations 2022](#)
- [CBOS 'smoke alarms in rental properties' webpage](#)
- [Tasmania Fire Service 'Home Fire Safety: Smoke alarms in rental properties'](#)

Contact

Postal Address: PO Box 56, Rosny Park, TAS, 7018

Phone: 1300 654 499

Email: cbos.info@justice.tas.gov.au Visit: www.cbos.tas.gov.au

APPENDIX I

Fitting and placement of smoke alarms in residential tenancies

There are different requirements for the fitting and placement of smoke alarms depending on the type of building. The Regulations use the building classifications (or building classes) from the National Construction Code to differentiate between different types of buildings.

House (Class 1a building)

In house buildings (class 1a buildings), smoke alarms are required to be installed in every storey.

Storeys with bedrooms

In storeys of a building that contain a bedroom, smoke alarms must be located:

- in every corridor, or hallway, that is associated with a bedroom; and
- if there is no corridor, or hallway, in the storey that is associated with a bedroom, between that part of the building containing the bedroom and the remainder of the building.

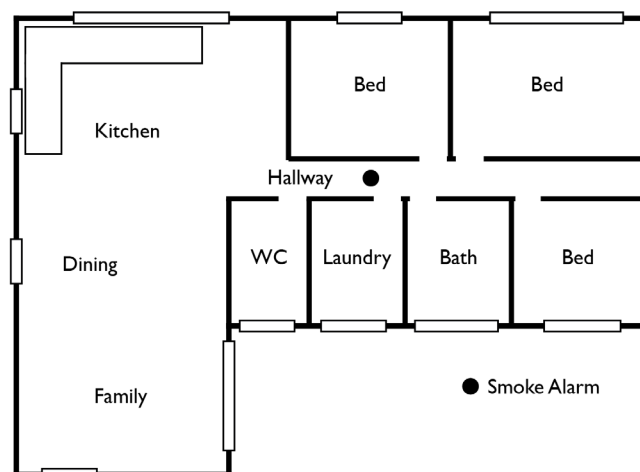


Diagram 1: Dwelling with bedrooms grouped together

Storeys without bedrooms

Smoke alarms must also be installed in all storeys of the building that do not have any bedrooms.

Diagram 1 provides an example of an appropriate location of a smoke alarm (●) where all bedrooms are grouped together and served by a hallway.

Diagram 2 provides an example of appropriate locations of smoke alarms (●) in a dwelling with separated sleeping areas.

What is a Class 1a building?

A Class 1a building is a single dwelling being a detached house; or one of a group of attached dwellings being a town house, row house or the like.

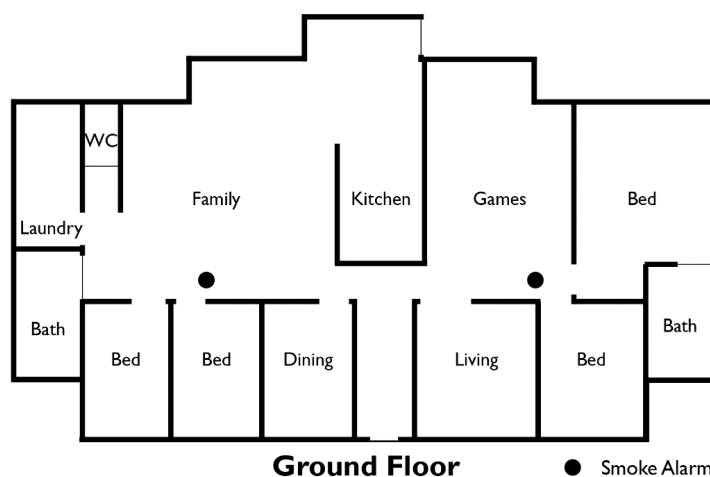


Diagram 2: Dwelling with separated sleeping areas

Ancillary dwellings, units and other small dwellings (Class 1a building)

Some small dwellings and units do not have distinct or separate bedrooms. They consist substantially of one room comprising sleeping and other facilities. For these types of dwellings and units, smoke alarms are to be located on or near the ceiling between the sleeping area and the remainder of the dwelling.

Small boarding house, guest house or hostel (Class 1b building)

Storeys with bedrooms

In storeys of a building that contain a bedroom, smoke alarms must be located on or near the ceiling:

- in each bedroom in that storey; and
- in every corridor, or hallway, that is associated with a bedroom; and
- if there is no corridor or hallway that is associated with a bedroom, between that part of the building containing bedrooms and the remainder of the premises.

Storeys without bedrooms

Smoke alarms must also be installed on or near the ceiling of all storeys of the building that do not have any bedrooms.

Diagram 3 provides an example of appropriate locations of smoke alarms (●) in a Class 1b building.

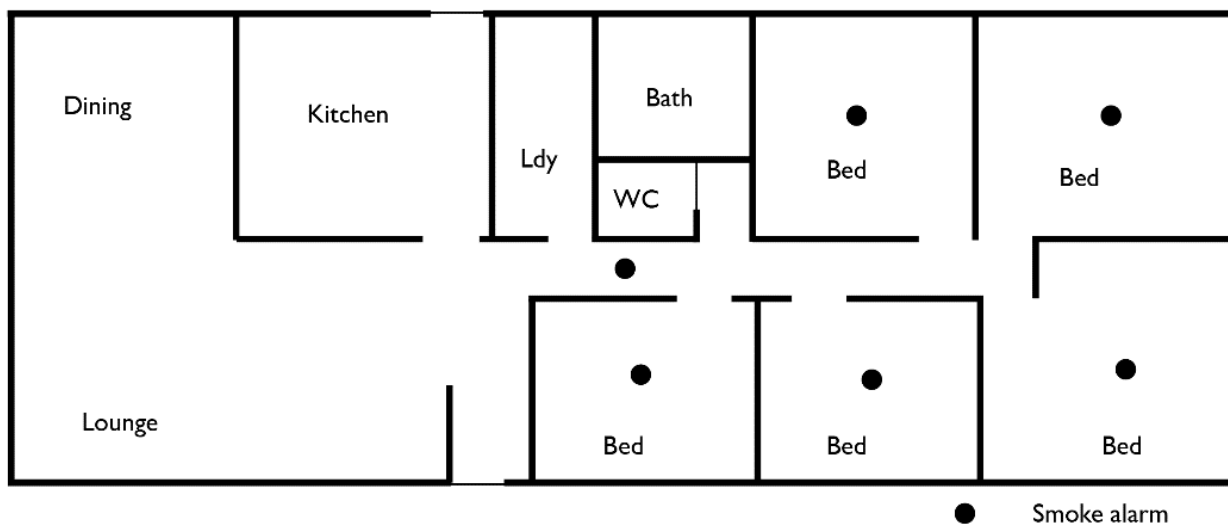


Diagram 3: Locations of smoke alarms in a Class 1b building

What is a Class 1b building?

A Class 1b building is a boarding house, guest house or hostel that has a floor area less than 300m² and ordinarily has less than 12 people living in it.

It can also be 4 or more single dwellings located on one allotment which are used for short-term holiday accommodation.

Apartments, units and flats (Class 2 building)

Storeys with bedrooms

In storeys of the building that contain a bedroom, smoke alarms must be located on or near the ceiling:

- in every corridor, or hallway, that is associated with a bedroom; and
- if there is no corridor, or hallway, that is associated with a bedroom, between that part of the building containing bedrooms and the remainder of the premises.

Storeys without bedrooms

Smoke alarms must also be installed on or near the ceiling in paths of egress or escape on all storeys of the building that do not have any bedrooms.

What is a Class 2 building?

Class 2 buildings are apartment buildings. They are typically multi-unit residential buildings where people live above and below each other.

Class 2 buildings may also be single storey attached dwellings with a common space below. For example, 2 dwellings above a common basement or carpark.

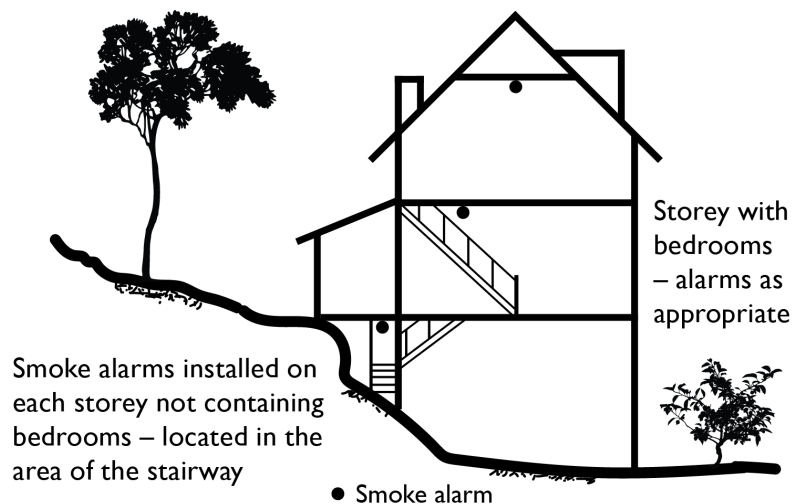


Diagram 4: Locations of smoke alarms in a Class 2 building

Large boarding houses, guest houses, hostels, backpacker accommodation, residential parts of hotels and motels (Class 3 building)

The requirements for boarding houses, guest houses and other class 3 buildings, if used for residential tenancy purposes, are the same as the requirements for class 2 buildings (see above).

What is a Class 3 building?

Class 3 are residential buildings other than Class 1 or Class 2 buildings, or a Class 4 part of a building.

Class 3 buildings are a common place of long term or transient living for a number of unrelated people. Examples include a boarding house, guest house, hostel or backpackers (that are larger than the limits for a Class 1b building).

What is a Class 4 building?

A Class 4 part of a building is a sole dwelling or residence within a building of a non-residential nature. An example of a Class 4 part of a building would be a caretaker's residence in a storage facility. A Class 4 part can only be located in a Class 5 to 9 building.

Caretaker flats and 'shop-top' dwelling units (Class 4 buildings)

The requirements for caretaker flats and shop-top housing, if used for residential tenancy purposes, are the same as the requirements for class 2 buildings (see above).

Proper mounting of smoke alarms

Compliant smoke alarms must be installed on or near the ceiling of rooms in rental premises. Special care is required to avoid 'dead air spaces'. A dead air space is an area in which trapped air will prevent smoke from reaching the alarm. This generally occurs at the apex of cathedral ceilings, the corner junction of walls and ceilings, or between exposed floor joists.

If it is impractical to mount the smoke alarm on the ceiling, a smoke alarm may instead be located on the interior wall—as long as the smoke alarm is suitable for this application. In this case, the top of the smoke alarm should be between 300mm and 500mm from the ceiling. The distance from the apex of a cathedral ceiling to the top of the alarm should be between 500mm and 1500mm (see **Diagram 5**).

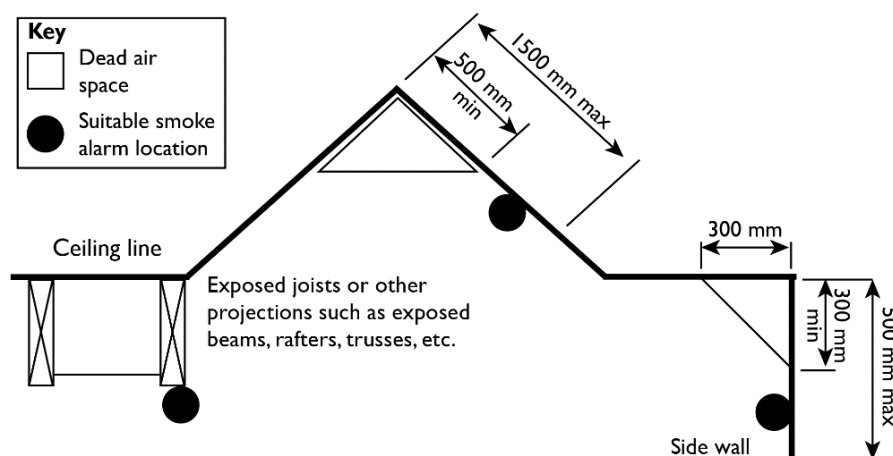


Diagram 5: Proper mounting of smoke alarms

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