

LANDLORDS NEWS

VOLUME 165

February 2019

GENERAL MEETING

**Tuesday
5th February 2019**

**Fullarton Park
Community Centre
411 Fullarton Road
Fullarton SA 5063**

**6:50pm for 7:00pm start
in the Parkview Room**

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PRESIDENT'S REPORT



Dear Members,
Happy New Year to you and all your families and Welcome to our new members.

Another year is upon us and we are all starting afresh which is an excellent time to review our rental properties and the way we manage them. Many of us just keep doing what we did last year. Whatever that may be, we use the same spreadsheets, report in the same way, manage our funds, finance and banking arrangements as we have always done. Our tenants may have been with us for a long time or we may be looking to find a new one? Time for a review!

The new year maybe a good time to take a critical look at how we manage our rental portfolios, do we manage our own properties and cease paying a property manager, are our processes

the most efficient, are our records as good as they can be, are we getting the best deals from our banks and accountants and are our tenants the ones we really want to keep for years to come?

Our rental properties are our business which provides us with extra income and investment for the future and like any business we need to review our practices and make changes that will keep up with the changing environments and legislation. If you haven't reviewed your business practices, researched what is on offer from service providers and actively thought about how to maximise your opportunity for better returns on your investments now may be a great time to consider doing so.

Over the next few weeks the Committee will be reviewing our opportunities to provide you with any guidance you may require so please don't hesitate to call the Committee for advice or assistance.

GENERAL MEETING GUEST SPEAKER

Our Guest Speaker: Mr Lyndon Holland

SGUA Director

CBD Insurance Services

30A Halifax Sreet, Adelaide SA 5000

P 08 8357 1422

*To present to us information about insurance matters
relating to full time rental properties*

MEETING AGENDA

- Meeting opening and welcome
- Apologies
- Guest Speaker
- Minutes of the previous meeting
- Business arising from minutes
- President's report
- General business
- Close meeting

Over the last few months I have been hearing much talk about dropping house prices. This may also provide you with some opportunities. I have read in many articles from across the media that if you are in a position to borrow and buy then now is a good time for your portfolio to grow. However, I am not an expert by any stretch of the imagination, but since a new look at your opportunities for improvement in 2019 maybe happening, this may be another avenue that appeals to you.

Another thing to think about is your market for tenants, many middle and old age people are facing homelessness and some of the bigger housing providers are looking to service this cohort. I have been thinking about what a mixed or shared tenancy would look like. If your rental accommodation is large then maybe two people to share would provide you with better income stream and less risk of long-term vacancy, just a thought!

A few things to think about to begin the new year with. Hope you are all inspired to see what changes you are able to make to have a more productive and less time-consuming rental portfolio.

Kind regards
Louise Sparks,
President

WELCOME TO OUR NEW MEMBERS

Ms Lai YEE & Mr Paul ROSENWEIG
Ms Barbara WILLIAMS
Mr Mark & Mrs Julie SHIRLEY

WHERE IS THE PENALTY?

One of our tenants is currently consuming her third "one last chance" and on notice with a self executing Order of The Tribunal from SACAT to rectify a rent arrears breach.

You all know the process, 14 days in arrears, serving a Form 2 detailing the breach, in the case of rent non-payment 7 clear days to rectify the breach or grant vacant possession on or before the 8th clear day. Well, in our case no rent payments or vacant possession leaving the only option available to us was to apply to SACAT for a tribunal hearing for a determination of the dispute.

The frustration that this causes us when the tenant pays money into our account (or the wrong one) in

various amounts and not always on the correct day is further compounded by the presentation of the rent record in accordance with Factsheet No. 3, a very complex method of doing something simple. The application process itself proves to be very time consuming filling in the online application form, preparing electronic copies of our paper records and uploading all required documents to the SACAT website plus paying the applicable application fee. The notification of the hearing time and date arrives both electronically and by standard postal service, doubling up so that there is no margin for error in notifying parties to the dispute. We, as the applicants, are required to attend the hearing in person at 100 Pirie Street which incurs further costs to us for travel and vehicle parking. This is not a requirement for the tenant; their participation can be conducted using the telephone network. An added benefit for all participants is that the conduct of the hearing is recorded, no misunderstandings possible.

Our latest Order of The Tribunal had six fortnightly payments very specifically detailed with the threat of a bailiff eviction of the tenant if any of these payments were not made. The seventh order was also of similar wording but without the threat of eviction.

For all of this non compliance with the Residential Tenancies Act (1995) there is no penalty to the tenant for breaking the law. The costs associated with the hearing process, Application Fee, travel expenses and parking fees are not recoverable from the tenant thanks to a law introduced by the previous state government Attorney General.

There is no interest payable on the late payment of rent as is the case for late payment of any other for services both government services and private company accounts.

In my opinion the wrong party is being penalised in this scenario.

Rodney Webb.

INSURANCE POLICIES

You truly appreciate how good your insurance is after you have had a successful claim! When it comes to tenants, it's the same idea, you can only evaluate your success after they have left. Hindsight is a beautiful thing, however reality sets in quickly and you realise that if you want as stress free life as possible due diligence is required in every decision you make. This is where reading your insurance

product disclosure statement CAREFULLY is essential. I say carefully because statements that seem self-explanatory end up being so contradictory. As an example, one of my properties is insured with VERO, and it clearly states that damage caused by animals is covered. On face value that would logically imply damage cause by cats and dogs..... but no.....domestic pets are excluded! You might then say ok, no pets allowed. You have every right to do that, however in reality many tenants do have pets without our permission.

The next tricky situation I read about was with CGU insurance. It states that we cover for 'loss or damage by a tenant or their visitors' if and only if it is 'a deliberate or intentional act, vandalism or a malicious act'..... UNLESS it is a result of tenant neglect.

To give an example, imagine parents with children. The children draw on the wall and the parents allow it, the tenants have acted in a negligent way because they have allowed the vandalism to take place. Now technically that is difficult to prove, however it is the perfect out for an insurer who doesn't want to pay up!

Now, I have done some research and approached several insurance brokerage companies to see if they can offer a deal to our members. I honestly believe that what I would like to offer is a very good product which offers very good cover AT A COMPETATIVE PRICE. I have attached the summary sheet of what cover is on offer. The essential point is that the price for full landlord cover (building, fittings and fixtures, tenant default, and malicious damage cause by tenant) is fixed regardless of postcode. So as an example if your house is valued at \$250,000 then your premium is \$849.

However, I don't want you to trust me!

I have invited Lyndon Holland, head of CBD insurance services who would like to offer their product to our members in our first meeting in February. Please come prepared to interrogate him on any insurance matter related to rental properties as this will allow you to assess for yourself whether he is acting as a sales man or if he has the client's best interests at heart.

Marco Arnese (Public officer)

The following informative article was prepared by the Property Owners' Association of New South Wales. I assume that South Australia will follow suit with similar processes considering the potential risks involved. Rodney Webb.

Combustible Cladding Regulation: This is a reminder to building owners about the deadline to register certain residential and public buildings on a NSW Government portal if it has external combustible cladding.

Registration and identification of these buildings helps Fire and Rescue NSW to respond accordingly in the case of a fire and educate occupants about additional fire prevention steps that can be taken. It also helps councils to decide whether any assessment or rectification actions are necessary.

For buildings occupied before 22 October 2018, the deadline for registration is 22 February 2019.

Owners of new buildings will be required to register their building within four months of the building first being occupied.

The registration requirements are simple and building owners only need basic information about their building to register. You do not need to engage an expert for this.

For more information on the regulation go to the Department of Planning website. Answers to frequently asked questions are available here. This includes supplementary frequently asked questions for building owners have now been released.

This is part of the work being done by the inter-agency Fire Safety and External Wall Cladding Taskforce.

More information

- Further information is available online.
 - Phone: 1300 305 695
- If you require translation assistance, please call 131 450.
- Email: info@service.nsw.gov.au

A REQUEST FROM KERRY TURNWALD, Drug Safe SA • Ph 0419 802 189

to circulate the following information was received by Margaret Kohlhagen and she forwarded it to committee for general publication to our members. The following information is currently in circulation in New Zealand.

There are links in this publication that will provide further details from an electronic copy. If you wish to access these links email me at rodney.webb@landlords.org.au and I will forward you a copy.

Landlords must provide a clean and habitable property. Tenants must not use the rental property for an unlawful purpose. This includes smoking or manufacturing meth.

If landlords rent out contaminated properties, they may be breaching their obligations under the Residential Tenancies Act 1986. They may also be breaching other legislation such as the Building Act 2004 and the Health Act 1956.

Tenants must not use or manufacture meth

Using, possessing, selling and manufacturing meth are offences under the Misuse of Drugs Act 1975. Tenants who smoke, sell or manufacture meth in a rental property are using the property for an unlawful purpose. This is a breach of the Residential Tenancies Act.

Tenants who cause meth contamination are also breaching their obligation to not intentionally or carelessly damage the property. In most cases, tenants will be found liable for damage from meth contamination caused by a tenant or their guests. The Tenancy Tribunal may order tenants who have used a rental property for an unlawful purpose to pay a penalty of up to \$1,000.

Meth testing

Landlords can test for meth contamination at any time between tenancies.

During a tenancy, landlords can only test with the tenant's agreement. If the tenants agree, landlords can test the property only, not the tenant's belongings.

More information on inspections

At the start of a tenancy, landlords may include additional clauses related to meth testing in the tenancy agreement. Any additional clauses must comply with the Residential Tenancies Act.

Adding conditions to the tenancy agreement

What do I do if I suspect or find a meth lab?

If you think a property is being used for meth use, manufacture, or sale, contact the Police and your local Council.

More information about meth and the law, including important safety steps.

New Zealand methamphetamine standard

The Residential Tenancies Act does not state what level of meth contamination is acceptable for health

reasons in a rental property. There are two sources of information which have different views about what level of contamination creates a health risk. Both of these can be used as guidance to assist landlords and tenants.

The New Zealand Standard Report from Prime Minister's Chief Science Advisor Tenancy Tribunal

Before deciding whether to take a meth-related claim to the Tenancy Tribunal, you should consider all available information. This includes:

- the New Zealand Standard
 - the CSA report
 - Tribunal decisions. Recent decisions allow a landlord to refer to the guidance available at the time a property was tested and decontaminated.
- You should also consider:
- when the testing and decontamination took place
 - what evidence there is of methamphetamine manufacture or use in the premises
 - how to satisfy the Tribunal the premises was not contaminated before the tenancy started

We also encourage you to seek independent legal advice and speak to your insurance company.

Dear fellow landlords, the following message was one that I sent to committee so that it may be discussed at our next committee meeting.

Hi everyone,

Now that we have a change of government and hopefully an Attorney General with a fair amount of "fair go", how about we tackle the unfair scenario whereby we cannot claim against the tenant for a SACAT application fee reimbursement should they lose that hearing case.

The current setup legislated by former Labor Attorney General, John Rau, is contrary to fair justice in my opinion.

Rodney Webb

PRINCIPAL REGISTRAR RECRUITMENT:

Following the decision of the current SACAT Principal Registrar, Clare Byrt, not to seek a further appointment and retire, a recruitment process is underway to find a new Principal Registrar.

Dear fellow landlords, below is a communique I received in November 2018

SACAT Accommodation update

As noted in our 27 April 2018 [e-news bulletin](#), one of the main recommendations from the 2017 Statutory Review into SACAT's operations, and one of our highest priorities, is the consolidation of SACAT to a single location.

SACAT's Collinswood premises will soon close its doors and its staff and operations will relocate to our 100 Pirie Street premises. Pirie Street will house more hearing rooms, functional workspaces, collaborative areas, quiet rooms, better amenities and breakout spaces.

This is an exciting time for SACAT as co-location will mean we can further develop a single unified culture and will benefit from increased flexibility, mobility and cohesion across the organisation.

Construction work is currently underway at Pirie Street to provide more hearing rooms and workspaces. It is anticipated that our Collinswood team will move to Pirie Street early next month (December).

The co-location will mean hearings are no longer held at Collinswood. Parties who usually attend hearings at Collinswood will notice that upcoming hearings (from December onwards) are scheduled at Pirie Street. Those notices will include information about parking and access. We will also continue to conduct hearings as flexibly as possible including by phone, video-conference and off-site when the circumstances require.

Please contact SACAT if you have any questions about the changes. We particularly welcome questions about how to get to and access 100 Pirie Street from those attending the Pirie Street premises for the first time.

Could I please ask that you filter this message through to any relevant areas within your organisation.

Please send any questions to connect@sacat.sa.gov.au

Kind regards

Judy Hughes



Hon Justice Judy Hughes | President
7/100 Pirie Street, Adelaide SA 5000
GPO Box 2361, Adelaide SA 5001
P: (08) 7412 47162
M: 0401719179E: judy.hughes@sacat.sa.gov.au

LANDLORDS' ASSOCIATION (S.A.) INC.

General Meeting Minutes

Tuesday 6th November 2018 7.00 pm

Fullarton Park Community Centre

Meeting Opened at 7.10

Present:

Quorum: Yes

2018

Nov 6

Members		
Louise Sparks	(President) (Chairperson) 1	Yes
Rodney Webb	(Ass. President) (Chairperson) 2	Yes
Theo Balomenos	(Secretary)	Apology
Patricia Webb	(Treasurer)	Apology
John Wyk	(Ass. Treasurer)	Yes
Stan Heresztyn	(Committee)	Yes
Peter Allen	(Committee)	Yes
Stella Salagaras	(Committee)	Yes
Marco Arnese		Yes

Items

Action

Person
Responsible

1. Apologies

Patricia Webb, Theo Balomenos, Kingsley Newman, Jim & Kathy Kouzaba.

2. Guest Speakers

Ms Tori Brown – SA Deputy Executive Director, Property Council of Australia

Tori presented to the Association, providing some background information regarding Stamp Duty, Land Tax and the state wide re-valuation program.

In South Australia 56% of stamp duty is paid by landlords, on average home valued at \$450,000 will pay \$19,000 in stamp duty. The landlords are asking for a concession in this tax and the Property Council of Australia have been lobbying in this area.

There is more work to be done in the Land tax area with Adelaide paying 3.75% tax where the average national tax is about 25.4%. Properties under \$450,000 will usually pay very little tax however 10% of owners will pay 95% of all the land tax in SA. This is concerning and although the Marshall Government has dropped the land tax threshold there is more lobbying to be done.

The re-evaluation program in South Australia has begun and has not been widely publicised. Starting from the inner city and moving out to the suburbs and then regional areas the re-evaluation will ultimately mean that if a property is valued up then rates like land, council, emergency services and so on, will rise and there may be no notification except to find a sudden increase in your service accounts.

3. Minutes of the previous meeting.

Minutes of the previous meeting were accepted as true and correct.

Moved: John Wyk**Seconded: Peter Allen****CARRIED****4. Business arising from previous meeting/minutes.**

There was no business arising from the previous minutes.

5. Correspondence In

Newsletters: SACAT, Property Owners Ass. Of NSW, CBS Connect, Shelter SA

SACAT – newsletter and information was received as a standard publication to the association.

Emails and Phone Calls were received. Usual enquiries from members regarding legislative interpretations and assistance with forms and notification times were mostly the topics of concern. .

6. Correspondence Out**6.1 Nil****7. New Business**

Members discussed the issues that were most relevant to be worked on and they included but were not limited to;- how to find and keep a “good tenant”, green energy subsidies, low income and homeless tenants, pets in rentals, tenants doing minor repairs and maintenance on rental accommodation.

8. Reports**8.1 President’s Report**

The President reported to the membership, acknowledging the hard work and effort the current committee.

A welcome to all new members.

Future plans for the association – a forward agenda and work plan have been developed, the President requested that members have a direct input into the issues they would most like to be addressed and called on members to contact the committee for input on these concerns, ideas and relevant topics.

A request for assistance with the Association newsletter was made to the members.

Connections will be reinstated with interstate groups and associations in order to strengthen SA knowledge base and a call was made to all members to seek out other landlords that existing members know to ask them to join. Our membership base must grow if we are to have a strong lobbying position.

8.2 Financial Report - Patricia Webb, Treasurer

The Treasurer was an apology and the report was deferred. .

Moved: P Webb**Seconded: L Sparks****CARRIED****8.4 Secretary’s Report**

Nil

9. Next Meeting : Tuesday 4th February 2018 at 7.00pm.**10. Meeting Closed 8.40pm**

Chairman _____

Date _____ -



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Legal Expenses Used to minimise loss, Includes Court fees	\$5,000 \$0
Prevention of Access by a Government Authority	52 weeks \$0
Garbage Removal left behind by Tenants	\$500 \$0
Lock Changing following Court Ordered Eviction	\$1000 \$0
Malicious/Deliberate/Intentional Damage Covers acts causing damage or loss by tenants or their guests	Up to Building Sum insured \$0
Accidental Loss or Damage Including caused by Tenants or their guests - Sublimits apply	Up to Building Sum insured \$250*
Pet Damage by Cats or Dogs owned by the tenant - Sublimits Apply	Up to Building Sum insured \$250*
Theft By Tenant occurring during the period of insurance	Up to Building Sum insured \$250
Earthquake/Tsunami Protection for damage to Building & Contents	Up to Building Sum insured \$200

Annual Premium[^]

\$250k	\$849
\$300k	\$949
\$350k	\$1041
\$400k	\$1132
\$450k	\$1224
\$500k	\$1316

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0425 822 257

Annual Premium is inclusive of GST & Statutory Charges. Pricing is based on property being of Brick/Tile Construction, less than 80yrs old and located in South Australia. Properties of alternative construction will require a customised quote - please contact us.

*Accidental/Pet Damage is subject to an Excess per Event with a maximum of 2 per Claim.

[^]For property located in SA - Annual Premium includes all Govt/Statutory charges & a GST inclusive Broker Fee of \$44.00. This price is current as at 1st June 2018.

LANDLORDS' ASSOCIATION (S.A.) INC.

Financial Statement of Income and Expenditure

For the Period July 1st 2018 until Dec 31st 2018 Only

Prepared by Patricia WEBB Treasurer for period

INVESTMENT ACCOUNT TERM DEPOSIT AS AT July 1st 2018 \$55,000.00

\$55,000.00

INCOME for 1st July 2018 up until Dec 31st 2018 - YEAR 2018-2019

MEMBER RENEWALS FOR 2018-2019 \$5,840.00

NEW MEMBERS \$700.00

NEWSLETTER ADVERTISING \$250.00

\$6,790.00

LESS EXPENDITURE for July up until 31st December 2018 - YEAR 2018-2019

Insurance - Professional Indemnity \$737.61

Insurance - Public Liability \$769.60

Insurance of Voluntary Workers \$580.09

Meeting costs \$374.85

Merchant fees \$95.33

Newsletter Printing \$1,110.00

P O Box Cost \$0.00

due April 2019

Postage of Newsletter \$402.80

Rental Office & Amenities \$3,537.60

Stationery \$11.00

Telephone Calls, Reimbursements \$0.00

II NetPhone, Mobile Fax Phone. \$509.34

Website Maintenance & Part New Construction \$504.90

Refund of Overpayment made after July 2018-19 \$180.00

\$9,100.32

CHQ ACC BAL BROUGHT FORWARD FROM 30th JUNE 2018 ACTUAL BAL **\$14,412.98**

INCOME FOR 2018/19 \$6,790.00

EXPENDITURE 2018/19 \$9,100.32

CHEQUE ACCOUNT BALANCE AS AT

\$12,102.66

INVESTMENT ACCOUNT BALANCE AS AT TODAY

\$55,000.00

TOTAL ACCOUNTS

\$67,102.66

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*Whenever you need specific products or services,
 please consider contacting the companies listed in
 our newsletter.*

*These companies have committed to advertising
 in our newsletter and in kind it is a courtesy for us
 as a collective organisation to demonstrate some
 commitment to them.*

*Please note: The Landlords' Association (S.A.) Inc.
 does not take responsibility or endorse any
 of the products or services.*

*Let us know of the outcome if you use any
 of the listed products or services.*

**CLOSING DATE FOR
MAY 2019 NEWSLETTER**

Saturday 23rd March 2019

ARTICLES, ANNOUNCEMENTS
 & OTHER MATERIAL

Please send to:

The Editor
 Landlords' Association of (S.A.) Inc.
 GPO Box 2486 Adelaide SA 5001
 or Email to: lasa.info@landlords.org.au

*An annual prize will be awarded for the best
 original article*

PLEASE NOTE: It would be a great help if material
 for the Newsletter could be sent by email wherever
 possible to save typing.

A PUBLICATION OF LANDLORDS' ASSOCIATION (S.A.) INC.

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GUEST SPEAKER/S DISCLAIMER

The opinions expressed by speakers at our meetings do not necessarily reflect the views or policies of the Landlords' Association (S.A.) Inc.

PRICE DISCLAIMER

The Landlords' Association (S.A.) Inc. cannot accept responsibility for any change in value of any advertised prices or discounts.

FUTURE MEETING DATES

Tuesday 07/05/2019
Tuesday 06/08/2019

At the Fullarton Park Community Centre
411 Fullarton Road Fullarton SA 5063

Guest landlords are always welcome
Please mention if this is your first attendance

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A quarterly publication – published February,
May, August (our AGM) and November

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