

LANDLORDS NEWS

VOLUME 169

February 2020

GENERAL MEETING

**Tuesday
4th February 2020**

**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 all

How quickly time has flown.

By now most of you would be aware that the Governments requirements to have License Property Manager has come into effect as of September 2019. Will this assist you, should you decide to ever utilise the services of a property Manager - Regrettably from what I have observed with many of the students undertaking this process, I'd hesitate to say that the extra piece of paper they obtain shall provide you the landlord with more confidence in Property Managers than previously.

I fully admit that they should be more knowledgeable with the Legal Responsibilities nonetheless will they know what a leaking breech is?

As most of you are aware working under the Legislation of the Residential Tenancies Act 1995 can be quite confronting at times.

Regrettably unless you are all continually keeping up with the changes you may find yourselves in a predicament that you were not anticipating.

Though we would all like to suggest that common sense should prevail-unfortunately this is certainly not the case.

Being self-managing landlords, you are the ones that shall be prone to allow emotion into what is meant to be a business arrangement between you and the tenant.

I am NOT for one moment suggesting that you do not show any compassion - nonetheless I remind you all - compassion is not shown by your mortgagees.

Hence by all means work with your tenant.

You must remember AT ALL TIMES - Do not permit emotion rule your decisions.

GENERAL MEETING GUEST SPEAKER

**Guest speaker: Senior Constable Phillip Moss
Eastern District Crime Prevention Section SA Police**

Phillip will speak about Landlords and Personal Safety, Suspicious behaviour and how to report problems to police. He will also talk about drugs.

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

You don't need to be horrid to the tenants re rental arrears, broken window dirty carpets.

There are avenues you are able to take to obtain an amicable resolution, however if you fail to follow these avenues then yes it can certainly escalate.

No there's not guarantee anything shall work with some of the clientele we deal with, nonetheless you have followed procedures which shall assist you if the need arises attending SACAT to resolve.

Always maintain a timeline with absolutely everything that you interact with throughout the tenancy.

Yes - believe me after 35 years as a self-managing landlord I certainly do understand how hard it is to not react to a tenant.

Nonetheless it's a business - Treat it as such.

Be polite

Explain to the tenant that yes you fully acknowledge their situation, nonetheless you are required to follow formal procedure.

Explain to them Re - What actually Happens when Breach Notice is served (Form 2) and how to remedy.

Now here is where your problems appear to be occurring.

You keep giving the tenants extra time to remedy without any formal action being undertaken.

Then when you have finally reached your limit you are frustrated that SACAT take so long for a hearing.

CONSENT ORDERS

It has been brought to my attention that even landlords in the field for over 40 years have not heard of Consent Orders.

Yes, it shall still cost you money to apply to SACAT to formalise, nonetheless you then have a mutual agreement between yourself and your tenant on how the breach is to be remedied with a consequence attached should they not comply with the Consensual arrangement.

From experience it appears to be far more accepted by tenants than the confrontation of physically attending a SACAT hearing.

My strong suggestion is to investigate this option - It can save you time attending SACAT and maintain an amicable working relationship.

Yours sincerely

Margaret Kohlhagen
President

THANK YOU LOUISE

A big thank you to our past President and committee member, Louise Sparks. She brought fresh ideas to an aging committee (with the exceptions of Marco Arnese, John Wyk and Garry Bator of course), but with the unfortunate circumstances of work commitments, a study course and caring for her elderly parents she had to reluctantly step down in any involvement with our committee.

Rodney Webb

OUR GUEST SPEAKER

**Senior Constable Phillip MOSS,
Eastern District Crime Prevention Section,
SA Police.**

Phillip will speak about Landlords and personal safety, suspicious behaviour and how to report problems to police. He will also talk about drugs.

I strongly urge our membership to attend our General Meeting to hear a presentation by Phillip as we need to be aware of the hazards being created as a result of drug production activities.

Liz Dingle.

WELCOME TO OUR NEW MEMBERS

Mr John RATKE
Mr & Mrs Luke & Vyvienne SCHAPEL
Mr & Mrs Richard & Yvonne YOUNG
Mr Joe NIMBS

Landlords' Association (S.A.) Inc.

Attendance at SA's Housing and Homelessness Strategy

Input to recent consultations

Two members of the Landlords' Association (S.A.) Inc. committee were invited to and attended the 3rd workshop session to support this strategy.

By way of background the strategy is designed to end homelessness over say 10 years and has four areas of focus;

- Aboriginal
- Social
- Market and Affordability
- Support and Services

The workshop was run by Mark Thompson from Price Waterhouse Coopers – part of their Constellation project.

Attendance was around 70, mostly State government, Community Housing and Welfare Organisations, including the Michelle Lensink, MLC, Minister for Human Services.

After an introduction and outline of the scope of the project and progress to date.

Whilst I noticed members of the Real Estate Institute (REI) on the guest list I didn't actually see them there. It would appear that representation from Landlords' Association (S.A.) Inc. and a gentleman from an organisation called 'Home Ownership Matters' were some of the few from the private sector.

There were a number of speakers in front of the whole group and later in the session we broke into table sized work groups.

We attempted, in those sessions, to put forward the view that landlords were not averse to working with the community and social housing sector in taking steps to increase housing accessibility and reduce homelessness but that our primary concern was that in doing so we received support both legislatively and administratively.

Our second major concern was that private landlords should not be taking the full risk when accommodating more marginal tenants. So for example we could see a situation where a state or welfare sponsored body would enter into a head

lease with private landlords who were willing to participate, but where things went wrong the head lessee would remedy the problem, either by way of damage or financial loss.

Unfortunately, but realistically, I think we were a small voice in a very large consultation which seemed to be focussed more on government and it's interaction with the larger players.

The Greens' bills to extend no cause evictions and to allow pets in residential tenancies.

Two members of the Landlords' Association (S.A.) Inc. committee also attended a consultation session with Mark Parnell, Leader of the Greens in the Legislative Council. This was a much less grand affair with three private property managers, two of whom were also on REI subcommittees, attending with Mark Parnell and his chief of staff and two Landlords' Association (S.A.) Inc. committee members.

The Greens are putting up for consideration two bills; one for pets and the other to end 'no cause' evictions in residential tenancies. I'll deal with no cause evictions first.

Currently Section 81 of the RTA provides that in a periodic tenancy, the landlord can give the tenant 60 days' notice to vacate the property for certain specified reasons (such as sale of the premises, demolition or occupancy by the landlord or his immediate family) and under section 83 the landlord can give the tenant 90 days' notice (again only in a periodic tenancy) without specifying a reason.

For a fixed term tenancy section 83A sets out the procedure to be taken to end the tenancy at the end of a fixed term – no reasons are required.

The Greens' bill proposes to allow for a fixed term tenancy to be ended under the current legislation at the end of the first term only and subsequently only on the terms under section 81. In regard to a periodic tenancy termination by the landlord will only be allowed for the reasons specified in section 81.

Whilst minor in the scheme of things, It is also proposed to extend the current 28 days' notice the landlord is required to give at the end of a fixed term to 42 days and at the same time reduce the 21 days' notice the tenant is permitted to give (for no reason) to 14 days.

It appears that the grounds for this proposal stems from 'research' by tenancy groups that suggests that no cause evictions are used extensively by landlords to avoid responding to requests by tenants to have essential repairs carried out on the rental property. I add that I have seen an article by; I think the tenants union of NSW, stating that up to 70% of their respondents have been impacted by no cause evictions.

It is a great expense and inconvenience for landlords (and I readily add for tenants as well) to end a tenancy and to re-establish a new one; often to the extent of several thousand dollars – surely repairing the stove or whatever is an easier and cheaper option than going through with an eviction.

Perhaps before going to the trouble of changing the legislation it could be beneficial to conduct some more credible research to establish firstly whether there is a problem and secondly, if there is, what causes it.

As you can imagine all participants' in the consultation strongly objected to these changes.

In relation to the issue of pets in residential tenancies the Greens have expressed their position in terms of 'reversing the current default where no pets are permitted, to a presumption that pets are permitted'. I have to say that I can see no such negative presumption in the current legislation. It is however one of the conditions a landlord is permitted to use in establishing a residential tenancy.

As I understood it the crux of the bill was that any tenant could have a pet at any residential tenancy.

If the landlord did not want a pet (or perhaps that particular type of pet) the landlord could apply to SACAT for a ruling. Mr Parnell's view was that once a ruling was made it would continue to apply to that particular property for subsequent tenancies.

This has obviously been an issue which has gained some momentum over the last few years. The RSPCA has been used as the basis for quoting numbers of pets disposed of because the pet owner could not find a tenancy that would allow a pet.

Dr Alice Clark representing Shelter SA has made numerous public comments in relation to the value to tenants of having pets.

I think it was also Shelter SA who conducted a search of properties for the Adelaide region and found something like 340 available properties but when they added the parameter of pet friendly found only something like 40 properties available. The numbers are a best guess.

It was put to Mr Parnell that whilst landlords might be reluctant to describe their property as pet friendly in general they were amenable to considering the right tenant with the right pet as perhaps the best option as opposed to other applicants without a pet. This is based on both the views of the property managers present and on personal experience. So whilst there might be a relatively small number of properties advertised as pet friendly there are likely to be a much greater number where a pet could be kept under some circumstances.

The matter of pet bonds was discussed but whilst Mr Parnell said it had been considered by the Parliament previously it did not form part of his bill.

We again opposed the form of this bill. Our particular concern was that under the proposed legislation the landlord would have no control but would bear all the risk associated with being obliged to have pets in their rental property.

*John Wyk,
Landlords' Association (S.A) Inc.
Assistant Secretary.*

DRUG ACTIVITIES IN RENTALS

What signs in our rental properties indicate a possible drug lab or selling point?

In my block of units many tenants suddenly became upset when a new owner moved in. The new owners were making lots of noise in the night. There were constant visitors coming for short visits day and night, their rubbish bin was never put out. The whole area smelled of rotten food. Then we were inundated with a plague of rats.

We had never come across this before. We tried to get this owner to behave with more consideration. We called for help from our Strata Company, Eastern Area Health, our local council, changing the Strata by-laws, pleading with the owner

to conform. with little or no cooperation. I personally paid for a big bin then stood and watched while all of the rubbish was removed. Then I supplied lots of Rat Sack to clean out the whole area. We hired a lawyer demanding that the Strata fees be paid.

The use of electricity can also be an indication of when and how much is being used.

I, as the Presiding Officer and not a resident, then called the Police to get help. A couple of other owners did too. The number of extension cords and the amateur wiring around an old spa-bath was an accident waiting to happen.

All in all, I think it took about two years 'til this was resolved. Amazing work by our Police and a huge relief to the residents after all of this trouble!

The residents had suffered. They were scared. We appreciated enormously how this serious matter came to an end. Magnificent Police work! I think in the end that all parties were happy, both the drug makers and the residents.

Liz Dingle.

STARTING A NEW RENTAL PROPERTY

An article that may help someone you know in the process of buying an investment property with the intention to rent as a residential property by Liz Dingle.

You've just bought a property for investment.

How exciting!

What an achievement!

But what now?

You know that you've probably tied up a lot of your money in a mortgage ____ for years to come!

Now you need to organise a tenant to pay it off!

No! Wait! Not yet!

Before organising a tenant

Join our Landlords' association and have a chat.

Thoroughly check your new purchase. Read and note the water, gas and electricity meter readings just prior to settlement.

Engage a plumber to check everything, not just appearance wise, but for safety and reliability as well. Check inside plumbing, hot and cold water, taps, toilets, under bench flexible hoses, drains, sewer pipes, storm water drains and gutters. Electric hot water services need to be serviced regularly. Check that the pressure relief valve is operational plus the sacrificial anode in electric models needs to be replaced regularly. For outside high pressure units, at least every 3 years, and, gravity fed units in the roof need servicing less often. Have any leaks repaired by a professional.

Ask an electrician to examine all switches, power points, lights, and appliances both inside and outside the building. Have him check the electricity meter too. I found that if possible and at little cost, it was advisable to change power points to double ones. Ensure that the smoke alarms are working and up to date.

Check all windows and doors for draughts. Repair any fly wire screens with holes in them to prevent flies and mosquitoes from entering.

Check all floor coverings. If replacement is needed, ask the selling agent for access so that the company can do a measure and quote even before settlement. Then, if replacement is needed it can be ordered and ready to be installed when the property is handed over to you. New built in wardrobes too could be an attraction to tenants without much in the way of furniture.

Check the telephone / TV. / Internet access are all working well. Replace any fittings that are very old or damaged.

A fresh coat of paint throughout presents to clients as clean and in good condition. It discourages damage when moving in and it's cheaper to do with no furniture in the way. A thorough clean and polish will then be needed.

Before renting you should consider making the outside areas and garden area attractive. Properties that are presented well at the start of a tenancy are attractive to renters and set a standard for the tenants to keep to. Take lots of photos!

Check if prospective tenants own a lawnmower / vacuum cleaner otherwise they can't clean and maintain the property.

If you are thorough with the presentation of the premises, it usually saves you a lot of time and money in the long run. I was being called frequently by tenants for repairs etc. After me doing the preparations, I rarely have a call out which helps tenants and me to have a much happier relationship.

Provide tenants with photo copies of all manuals for appliances if possible.

Ensure you keep all of the documents from the purchase of the property.

Keep tax records of money spent on repairs etc. bearing in mind that any restoration or of the property in the first year is considered part of the purchase price by the Australian Tax Office so not a tax deduction.

Keep records of rent received.

Good record keeping by the owner makes tax preparation easier and possibly not as expensive. Remember to insure your property. If it is being rented, then Landlords' insurance is the one to get. Your tenants need to be advised that the Landlords' insurance does not cover their goods and chattels.

A Warning!

For new owners and new tenants the electricity meter final reading must be arranged through an electrical energy provider. This is performed by SA Power Networks staff or their contractors. To do this they need clear access to the meter and to go inside to turn off the power. Book this ahead of time with your tenant. You or the tenant needs to be there at this time or they will not do it!!

I wish you a happy, successful journey as a landlord.

*Liz Dingle,
Committee member.*



Adelaide, 27 Dec 2019.

**To the Honourable Minister Rob Lucas, MLC
State Administration Centre
200 Victoria Square
GPO Box 2264
Adelaide SA 5001
Email: treasurer.dtf@sa.gov.au**

Re Land Tax Reform Package

Dear Minister,

With the usual big fanfare you are telling us that you want to make your usurious land tax regime more competitive, build the economy, create more jobs and encourage greater investment in South Australia. In doing so you make full use of your political toolbox of tricks, treats, trap doors, smoke and mirrors.

I am a self-funded retiree. Guided by the wisdom of my parents I spent my working life in the effort to remain independent from government handouts and any outside financial support. The reward for this effort is that the usurious, self-serving, inefficient, bloated bureaucracy of this over governed state sucks the lifeblood out of my retirement life.

At every opportunity and in the letters you mailed out to the legion of land tax payers you highlight the planned reductions and claim that 92% of individual land tax payers will pay less land tax.

What you naturally fail to mention is that your Valuer-General has hit me and most others with a sledgehammer of a 45% increase from last year's aggregated site value of \$1,350,000. - to a whopping \$1,950,000.-, an increase which no statistic of real estate prices and sales data over the recent years would support. There has been no addition or change in ownership to my holding over 20 years which could have contributed to this increase from one year to the next.

And then you come along with your little candy box and tell us about your pathetic attempt to ease the burden on ordinary ratepayers. Mind you, not developers and speculators; they can fend for themselves, but people who built a small portfolio to finance a secure and independent retirement.

As you well know this 45% hike in my land tax bill has a domino effect on the SA Emergency Services Levy, Council Rates, house insurance and most obscenely when SA Water hikes up the

sewer rate. They all are eager to follow suit! (Please take note that SA is the only state which has this irrational idea of referencing capital value to the sewer charge, rather than the logical relationship of metered water consumption and a proportional volume of sewer discharge!)

What a devious way to add insult to injury.

You have been voted into government because the electorate in SA was sick and tired of the maleficence, closed door deals, shady quid pro quo transactions, bloated bureaucracy and financial waste of the Labor Party, only to find out that your government has the same genetic make-up.

The chance to see any party come forward and implement a serious reform of the unsustainable government structures which burden the whole of the Australian nation is close to zero. Machiavelli made this clear in his seminal book: "Il Principe" way back in 1513, even though he advocated more ruthless methods in keeping with his time.

Equally, I see no chance that you would care about my reflections on this subject. Still, just for the heck of it, I attach some of the papers, which have been produced to stimulate discussion and raise awareness for what could be and should be done to secure a sustainable future for this nation.

After they had left office, even Bob Hawke and Johnny Howard made utterances that there is a desperate need for reform top down and bottom up.

I wish you all the best for the New Year and may some wisdom and fairness descend on Parliament House.

Sincerely

Gerhard Schurer

Cc: Landlords' Association (S.A.) Inc.

Real Estate institute

Property Council of Australia

Messenger Press/Advertiser

landtax@sa.gov.au

HousingSA Bond Guarantees and on line Bond Lodgement

Recently Patricia and I had good cause to claim against an HousingSA bond guarantee as a result of the tenant (who was assisted by HousingSA at the commencement of her rental agreement with us) not doing the right thing under the Residential Tenancies Act (1995). She left owing us much more than the bond guarantee and we applied to Tenancies Branch to have that guaranteed bond released to us.

HousingSA disputed the claim forcing the approval of our claim to be processed by SACAT in the form of a Compulsory Conference. Of course, being the landlords, we had to pay the fee for the application to SACAT, not HousingSA.

Rent Records: SACAT process demands that the rent records be presented in the manner as laid out in Fact Sheet 3, Rent receipts and records. This presentation is fine IF the tenant pays the rent when due and the due amount or even does not pay the block amount when due.

On the subject of "The Rent", it is an object for this method of documentation. If the full amount due is not paid then "The Rent" hasn't been paid, you've only got some amount "in hand" and it is not until further monies are received that "The Rent" can be considered as paid, albeit possibly late.

A few years ago we had to seek the assistance of SACAT to resolve an outstanding rent issue with this same tenant and we found it impossible to present the complete rent history as required in Fact sheet 3. The tenant was paying various amounts on various dates, not signifying which payments were for rent/water and even deposited some money in the wrong financial institution. Being unable to present the figures as required I sought help from Tenancies Branch staff. I was flatly refused assistance.

We use a spreadsheet to monitor payments so that we can determine exactly the date at which the rent comes into arrears, no mistakes, but SACAT will not accept our presentation in that form. We had a repeat issue just recently and again we were unable to present the rent records as per Fact sheet 3. In person I sought assistance in Tenancies Branch only to be refused yet again. I approached staff at SACAT seeking assistance there only to be informed

that it is Tenancies Branch role, not SACAT's. I agree, Tenancies Branch exists to assist tenants and landlords in the conduct of residential tenancy procedures according to relevant legislation. By not assisting us in the presentation of information in a manner that has been determined by their system they are not performing their duties.

Bonds online: With SACAT demanding that the application of bond refunds be done on-line we attempted the process on two different occasions, both unsuccessfully. I then went to SACAT in Pirie Street in an endeavour to resolve our problem, that didn't work out as I did not have some of the required information, my mistake on that one.

Home again and rang SACAT after another attempt to lodge online failed. Most thankfully to the staff member who took the call we finally had our application received by their computer system. Now to upload the supporting documents relevant to our bond claim, again not working well. I took all the information to SACAT in digital form on a "thumb drive" and sought assistance for the upload process. The gentleman who assisted was very helpful but the computer system in the public area was not.

Couldn't read my memory stick, really?

As I was not able to accompany staff into their offices I tried to remember the directory tree on the thumb drive from my memory in order for the man assisting me to upload the files to support our claim. He must have uploaded something of value because we did not have any hindrances at the Compulsory Conference in the processing of the Bond guarantee claim in our favour. HousingSA disputed our claim and did not even appear at the Compulsory Hearing or have any input.

In conclusion, we consider the current operation of the online operation of form lodgement is not working as it should and it caused us to waste countless hours to achieve a simple outcome of a dispute which should have been addressed by Bonds Section of HousingSA. We will be addressing the negative issues that we experienced with Bonds Section in HousingSA, Tenancies Branch and SACAT administration in the near future.

Rodney Webb.

WHY DEAF PEOPLE SHOULD NOT BE MINUTE TAKERS

It is noted by me in the minutes of the AGM and subsequent minutes that we don't have a nominee for the President's position on our committee and our constitution dictates that a President is essential.

Mario Leuci contacted our committee's Public Officer, Marco Arnese, to offer his services as President. Marco A then informed me of this development and I discussed the concept of Mario L nominating for the role of President of our association with Margaret Kohlhausen.

Margaret K was a little miffed at that, she is of the opinion that she had nominated for the role of President at our last AGM. She had nominated by sms text to me on the night, I can only assume that I got it wrong by nominating her as Vice President. With Louise Sparks not renominating as President or offering her services to committee on the night, Margaret K offered to step up in her vacancy. Oooooops on my part.

The minutes of the 2019 AGM will need to be accepted as an "amended as a true and accurate record" corrected minutes at our next AGM in August 2020 with added text to reflect my error.

Extracts from our constitution:

8.1 Management of the association is vested in a committee which is responsible to the membership. The committee shall consist of;

- (i) the President;
- (ii) the Vice President;
- (iii) the Secretary;
- (iv) the Assistant Secretary;
- (v) the Treasurer;
- (vi) the Assistant Treasurer;
- (viii) five (5) members of the association elected at the annual general meeting.

8.8 Vacancies unfilled or arising in the membership of the committee shall be filled by the committee from among the members of the association for the unexpired remainder of the term of office, provided however that if the committee should decline or fail to fill a vacancy, a special general meeting of

the Association shall be convened in the prescribed manner at which the only business to be transacted will be the filling of the vacancy which shall be specified in the notice convening the meeting.

As a result of my miss-understanding of the President's position not being filled I contacted a long term member, Mr David Plant, and suggested to him that he looked like "Presidential Material". Duly flattered he didn't jump at the suggestion.

Now that I had sorted out that Margaret K is our President, why not contact David again? I did and he has accepted my invitation to attend our next committee meeting as a guest whereby I can nominate him to be our Vice President with his agreeance. The committee can then vote on my proposal.

Rodney Webb.



RIP

Belatedly we bring you the news of
the death of Mr. Sam Falco.

Sam and his wife, Filomena, have been
members for 20 years and also committee
members together in earlier years.

May he rest in peace and our sincere
condolences to Filomena and also
to all their families.

Rodney Webb on behalf of all of our membership

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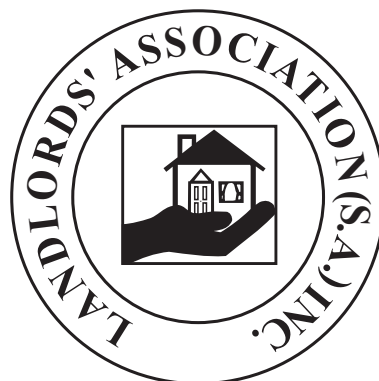
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*These companies have committed to advertising
in our newsletter and in kind it is a courtesy for us
as a collective organisation to demonstrate some
commitment to them.*

*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 2020 NEWSLETTER

Saturday 28th March 2020

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.

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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 05/05/2020
Tuesday 04/08/2020, AGM

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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