

LANDLORDS NEWS

VOLUME 166

May 2019

GENERAL MEETING

**Tuesday
7th May 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,
Well the year is in full swing and we are doing what we do in our everyday lives which I hope are all

happy and healthy for you all. As I mentioned in the last newsletter, what things have we changed this year and what are we doing differently?

Our properties are hopefully still tenanted and providing us with a good return. When was the last time you visited your property and when you did, was it just the same old routine, the same conversation and the same process you have always had?

This year has been particularly dry, and some properties have paid the price.....cracking! This led me to thinking about having a good look at my properties, I mean a critical

look at the maintenance. When was the last time you visited your rental property and had a good look around? If you have a property manager, do they just do the inspection, tick the boxes, write the report then send it to you. What you really would like is a critical look at what is happening. Is the pavement moving, is the guttering still in good condition, are there cracks in the foundations, walls or brick movement? Lack of watering this summer can result in brick movement, damage plumbing (if you have an older property) and many other problems, which often present themselves early but are not picked up until it is a major problem that can be costly.

Therefore I urge you to think about your maintenance routine and not rely on your property managers to let you know what is going on. Go and have a look at your properties, or better still get a trusted trade person to go and have a quick look. A few hundred dollars invested now could

GENERAL MEETING GUEST SPEAKER

Our Guest Speaker: Mr. Ian Ugarte
Part owner of "Small Is The New Big",
a consultant and real estate adviser.

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

save you a fortune later. Especially now winter is approaching, some of those small problems can be tackled before they become nightmares!

At our last general meeting there was a discussion regarding the information recorded in the minutes. This prompted the Committee to revise the format, distribution and information in the newsletter and minutes in the future. The comments at the last meeting were taken on board and the Committee appreciated the feedback.

Considering the vast distribution of our newsletter to outside entities the minutes and financial statements of our Association will no longer be published in the general newsletter. Instead they will be distributed to members only via hard copy at our General Meetings or upon request. We would ask that if members have comments, amendments or request clarification on items that they contact the Committee before the meeting. This will allow Committee members to have an opportunity to address them in full at the meeting rather than having to defer or take on notice an enquiry. This new process will of course speed up our general meetings and allow members only to have minutes and financial statements regarding our Association. If you would like the Minutes and Financial statements to be emailed to you please contact our committee.

At our next General Meeting we have invited an interstate speaker, Ian Ugarte. Ian is from a company called "Small Is The New Big". I urge you to attend the next meeting, it will be a terrific opportunity to learn what is in store in the future for rental accommodation, what opportunities are available to increase your returns on investment and learn about rental trends and demands in the future. I look forward to seeing you all at the next General Meeting on **Tuesday 7 May, 2019 at the Fullarton Park Community Centre, 411 Fullarton Road, Fullarton. SA 5063.**

*Kind regards
Louise Sparks
President*

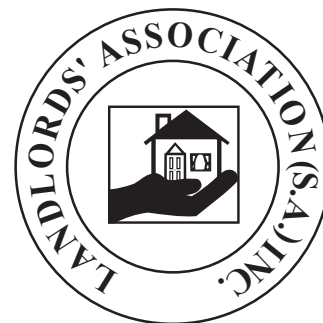
HONORARY MEMBERSHIP

I refer to our past President, Mrs. Margaret Kohlhausen. Our committee recommended that we bestow upon her the honour of Honorary Membership in February 2007. Margaret declined to receive the honour at the time stating that she still had much to offer our association. Accepting the Honorary Membership would have reduced her ability to be President or hold any other executive position plus reduced voting rights under our constitution. As she has retired from committee I would like to offer her the opportunity to now accept a Life Membership, which does not have any of the restrictions mentioned above, in lieu of an Honorary Membership. Thank you for all your input Margaret.

Antonia Zotti. She has been a great asset to our association by way of her involvement on our management committee over the years as our secretary, minute taker and the most active member of our newsletter subcommittee. The minutes of our meetings were superbly recorded and filed by her, the main contact phone she monitored and logged for a considerable period and has kept very good files of correspondences both "In" and "Out". The newsletter content was very much her input and she offered a lot of assistance to our members by telephone, mail and also moral support as an observer at Residential Tenancies Tribunal Hearings. She also made herself available to members at our office to assist them with paperwork preparation. Thank you for your efforts Antonia.

I would ask that our members vote in favour of bestowing Life Membership to Antonia.

Rodney Webb.



WELCOME TO OUR NEW MEMBERS

Ms Maria ANGELINI
Ms Tess NEWTON

DOMESTIC VIOLENCE AND LEASE TERMINATION

Unfortunately we are all aware of the devastating affects domestic violence has in our community both from the victims' perspective and a community perspective which is especially upsetting when there are children involved. Many organizations are working tirelessly to free our community of domestic violence however it will be a slow and tedious job with an average of one murder a week directly related to domestic violence in Australia.

Our members do not want to our tenants harmed or worse! Many of us have great relationships with our tenants some of them being with us for many years. At times situations arise where we are forced to take action. Knowing how best to handle these types of situations can be very tricky for all involved and it is always wise to seek assistance when confronted by these issues.

In the Residential Tenancies Act 1995, Section 89a – Termination based on domestic abuse clearly sets out the types of responsibilities for the landlord. <https://www.legislation.sa.gov.au> The Consumer and Business Services also produce an information sheet <https://www.sa.gov.au/topics/housing/resolving-problems-and-disputes/domestic-violence-protections-for-renters> which is written for the tenant rather than the landlord, however it does give a very good overall guide to the process.

Without carving out large section of legislation, of which there are three pages, I will summarize my understanding of the basic intent of the section 89a. *(bearing in mind, I am not a solicitor so this in NOT legal advice).*

- (1) For the tribunal to make an order there must be an intervention order in place.

This means that usually, a criminal charge has been made by the police, the matter has been heard in the Magistrates Court and the Court

has made an order – An intervention Order usually for one party to stay away from another party.

- (2) The parties must reside in the rental premises. After these two main points the legislation goes into detail setting out the options available, they include;
 - Re-entering a new lease agreement and whom that will be with including the conditions of the agreement.
 - The opportunity to inspect the property.
 - If a new rental agreement is sought can the rent payment be met?
 - Rights of the victim – such as not being labelled on any blacklists as tenants maybe the victim of a crime.
 - Hardship rules and how they affect all the parties.
 - Does the ongoing or new agreement affect any other orders made in other jurisdictions, e.g.: does it contradict a family court order?
 - Compensation payments to landlords and what conditions must be met.

So, as you can see from this snapshot, it is not a simple and straightforward process. There are many, many elements to consider and sometimes that can include the safety of landlords. If you are facing issues relating to this topic, please contact our committee for support and if required professional referral.

Louise Sparks

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.

New rules to curb dodgy landlords as SA rental rows hit record high:

screams the headlines of an article in the Advertiser, December 29, 2018, page 20.

The editor of the article made several statements: Tenancy disputes requiring legal help for resolution are at their highest in S.A.

The Legal Services Commission's involvement in rental rows had dramatically increased.

That Consumer and Business Services will be better able to crack down on dodgy landlords with the introduction of a property manager license.

A spokesperson from the Legal Services Commission stated that the commission handled 1691 enquiries about landlord and tenant issues in the year 2017 with more than 2200 in the year 2018. He believes the reasons are: increased cost of housing and rental accommodation, tenants wanting to sublet using home-sharing platforms such as Airbnb, confusion regarding obligations and rights of renting and disagreements about pets and items left behind.

The Housing Safety Authority received 456 complaints with 338 receiving orders to remedy health and safety risks.

Shelter SA's CEO said that renters are seriously disadvantaged especially with landlords and their agents able to secretly put their names on a blacklist.

That's the major topics of the article but overall I find that there is a lack of solid references to back up those statements. There is no balance of figures to indicate whether it was the landlord or the tenant causing the enquiries to the Legal Services Commission or as to the health and safety remedial requirements handled by the Housing Safety Authority.

Regarding subletting it is my opinion that the landlord should have the right of refusal; it is after all the landlords' property being offered to the private residential renting market, not for a high transient change of inhabitants with the high probability that neither the landlord or the agent being aware of who or how many are in occupation at any one time.

The comment about confusion regarding rights and obligations in a rental situation should not have

to be handled by the Legal Services Commission, that's what Tenancies Branch are set up to do, provide advice to both landlords and tenants. Tenants also have access to government funded advocacy groups. The Residential Tenancies Act should also be a valuable reference to either party as it is written mostly in straight forward English should anyone trouble themselves to read it.

The figures quoted about the Housing Safety Authority involvement again are not quantified against the causes of the issues so unable to judge whether it is the dodgy landlord or the dodgy tenant at fault.

The comment from Shelter SA claiming that a landlord or their agent can secretly place a tenant's name on a blacklist secretly is true but why would either party bother to do so if the tenant was a responsible renter, nothing to gain by it for the effort involved.

In conclusion I would suggest that my opinion of there being far more good landlords than dodgy ones is probably biased by the fact of my involvement with our association's members. These landlords are members with the intention of getting their rental business carried on in a professional and compliant manner. I feel that the article could be labelled "landlord bashing".

Rodney Webb.

INSURANCE MATTERS by Marco Arnese

At the last general meeting in February, our guest speaker, Mr. Lyndon Holland from CBD insurance Services came to discuss the advantages of having a broker as your insurance agent.

The theory is that when you make a claim, having a broker who knows the ins and outs of the industry and better understands insurance jargon, you're less likely to have a claim rejected. YES, a broker costs more, HOWEVER, if a big genuine claim arises, that's when the insurance companies can try and find some technical reason not to pay. That is when you need a broker and the extra \$50-\$100 a year more you paid seems insignificant. As I said in my last article, last newsletter, you never know when you are going to need insurance, BUT when you need it, YOU NEED IT!

For those members who did attend our last meeting you will remember that the key points for having a reputable broker will allow you to have someone on your team who is able to provide advice on;

- Interpret the definitions and fine print on your insurance agreement
- Have inside knowledge about how the industry really works
- Tailor a plan that really works for you
- Compare apples with apples when making your selection
- Get fast payouts if required.

So the take away from the presentation were;

- Do your homework
- Ask yourself, does your insurance really suit you?
- Does your insurer speak to you regularly?
- Not all brokers are the same
- Inside knowledge can go a long way.

Thank you once again Lyndon for taking the time to come and speak to the members of the Landlords' Association (S.A.) Inc.



Marco Arnese & Lyndon Holland

JOHN WYK'S RESPONSE TO A LANDLORD'S ENQUIRY AFTER SHE FOUND OUT ABOUT US FROM OUR WEBSITE

Hi Sarah,

We are a membership organisation with a volunteer committee.

Our aim is twofold. Firstly to be a resource for our members and to provide support and guidance in situations such as yours. Our second purpose is to represent private landlords and to promote their interests by way of input to legislation. This occurs by lobbying and making representations to members of parliament and other relevant individuals and bodies.

We encourage all private landlords to join. You will find a membership application on our website, or alternatively I can send you one in the post.

Anyway, the method by which you can terminate a tenancy will depend on the type of tenancy.

If it is a fixed term tenancy it is designed to be for a fixed term and can only be terminated prior to its end, either by mutual consent of the parties or by order of SACAT (the Tribunal). SACAT may consider, that in situations of particular hardship it is appropriate to terminate a fixed term tenancy this is not an easy road.

The other way to end a fixed term tenancy is to give the tenant notice on the appropriate form (which can be downloaded from the Consumer and Business Affairs website) at least 28 days prior to the end of the fixed term, that you are not offering a renewal of the lease. The tenant is then required to give you vacant possession at the end of the term.

The other type of tenancy is periodic. That is, it is open ended. A periodic tenancy can be entered into by the Landlord and tenant, or alternatively it is automatically created after a fixed term tenancy expires and neither party ends the tenancy.

The easiest way to end a periodic tenancy is to serve the relevant form 3 (which can be downloaded from the CBS website) giving the tenant 90 days' notice of termination of the tenancy for no reason. I strongly suggest that as no reason is required, do not give a reason!

The lesser period of notice 60 days applies where specific events have occurred, sale of the property, demolition, major repairs, the property is required by the landlord or specified members of the Landlord's family. Where these situations are legitimate then it is appropriate to give the lesser notice, however where the situation is contrived it can lead to more difficulties than it's worth.

I should also mention, that where the tenant has breached the terms of the lease (in both fixed and periodic tenancies) a form 2 can be served. The form 2 effectively gives the tenant 7 days in the case of rent arrears of at least 14 days, or effectively 15 days (the process is a little more complicated) for other breaches to remedy the breach or else the tenancy terminates by force of the Notice.

If that is the situation in your case then perhaps it is best for us to speak over the phone to cover all the ins and outs.

Please let me know if you have any questions.

Regards

John Wyk

Ph. 0437 133 500

MISSING TENANTS

We are regularly asked by landlords how to contact former tenants to return personal items left at properties. Hence if you know of these people please call Rodney on 08 8258 6660 or 0408 830 382. Our 'Missing Tenants' section is updated on a regular basis in order to assist with this process but nothing new to add at this time.

Ms Nadia Marie PARISI, Daniel PHILLIPS also known as Daniel JOEL, Ms Melissa PULBROOK, Mrs Simone SALATHE, Mr Christopher GREEN, Mr Caleb THEATRE, Ms Melissa GRAHAM, Ms Peta IRELAND, MR Russell KROPP, Ms Kylie AUBERT, Dylan CHENOWETH, Ms Sharon Louise FULLER, Ms Hayley J GOODWIN aka

DOBINSON, Mr Fletcher TEAGUE, Ms Ashleigh VILLANI, Sing ANUSHEEL, Sheli Sharin DEY, Ms Brooke BARNES, Mr Martin KUNDART, Ms Eleanor KEELEY, Mr Matthew PILLEY, Mr Josef SCHLAPLER, Ms Alexandrina CAMPBELL, Ms Jill COLTON and Ms Hanne MURRELL.

GUEST SPEAKERS AT OUR GENERAL MEETINGS

One of the benefits that come with membership of the Landlords' Association (S.A.) Inc. is the broad range of Guest Speakers who present at our General Meetings.

Over the years they have covered a very wide range of topics which are relevant to landlords.

Guest Speakers come from Government agencies, Community and 'Not for profit' organisations, from Special Interest groups and from the Commercial sector.

Most want us to form an opinion, or take an action as an outcome of their presentation. Those from the commercial sector have in their presentations an implicit message to us to buy their service or product.

Whilst we publish a disclaimer in our Newsletter 'The opinions expressed by speakers at our meetings do not necessarily reflect the views or policies of the Landlords' Association (S.A.) Inc. I would like also to point out that the association does not endorse the products or services promoted by our Guest Speakers.

It is up to individual members to decide if the material presented is relevant to their circumstances and to make further independent enquires if necessary to satisfy themselves of the veracity of the claims being made by our Guest Speakers.

May we long continue to have varied, interesting, informative and entertaining guest speakers at our General meetings.

John Wyk

LICENSING AND REGISTRATION

Property managers

Applications for property manager registration are now open. From 28 September 2019 anyone who works as a property manager must be registered. To find out more see the property manager video or visit the property manager webpage.

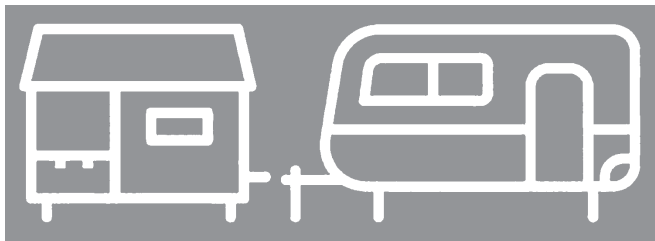
TENANCIES

Bond replacement products

Tenants should be wary of products that are advertised as cheaper alternatives to rental bonds, as they may not be legal in SA. These products are often promoted online and may have hefty fees attached over the life of the bond product.

RESIDENTIAL PARKS

Legislation has been passed by SA Parliament to improve protection for park residents and to support park owners. The changes affect only residents who rent a site and own their own dwelling, except for improved fire safety measures which apply to all park residents.



The **Property Owners' Association of NSW Inc.** committee sent me an email detailing some of the interesting facets of their recent state government election results. I have edited out the text not relating to our land-lording business, as below.

Dear Rodney,

By way of an update post the N.S.W. State Election 2019, Gladys Berejiklian Premier has announced her Ministry.

It is interesting to note there is a new Ministry portfolio known as Water, Property and Housing which is allocated to The Honourable **Melinda Jane Pavey MP** (Member for Oxley).

The existing portfolio, Better Regulation and Innovation where the property / real estate industry currently resides, has seen Matthew Kean MP removed and The Honourable **Kevin John Anderson MP** (Member for Tamworth) appointed as the Minister.

This is great news to us, as there has been much struggle with the former minister to really listen due to a lack of understanding of landlords' needs and the property industry in general.

POANSW is looking forward to meeting with the new ministers to continue its consultation and lobbying efforts across residential tenancy, property holding costs, strata and boarding house reforms.

CAPITAL GAINS - SOME THOUGHTS ON CAPITAL GAINS TAX

This article does not purport to be an expert explanation of Capital Gains tax ... for obvious reasons.

Rather it is a collection of thoughts on the subject by the writer. So make of it what you will!

When you make an investment such as the purchase of a house, a parcel of shares or a Bond you may value the income it produces but you may also hope that the investment will over time increase in value.

To some extent the increase in value over time of for example a house is delusional. To purchase the same house at any time after it has increased in value requires the increased amount of money. So if instead of dollars the unit of value of wealth was 'a house' you would have made no gain. You had 'a house' at the time you purchased it and at any time later you still have 'a house' It is just that in the more conventional measure of value you now need more dollars to make up the value of 'a house' than you did at the time you purchased it.

Another way of looking at the situation is to say that the value of 'a house' has remained constant but that the value of dollars has fallen.

That's inflation.

Different assets and other goods and services change in value at different rates, so in an attempt to balance it out, the Australian Bureau of Statistics (ABS) uses 'a basket' to measure the rate of decrease in the value of money, also known as inflation or the Consumer Price Index (CPI). The ABS produces a number of these indexes for particular sectors of the economy.

The government always needs more money so in 1985 a Capital Gains tax was introduced for assets purchased after that date. Capital Gains tax is assessed once the asset is sold (there's more to this but we're not going there for simplicity's sake). Under the original rules if the asset was held for over 12 months any nominal gain was reduced by the CPI figure over the period the asset was held. And a further concession was that the gain was taxed in effect at the marginal tax rate applicable over 5 years, thus somewhat reducing the shock value of a large capital gain.

In 1999 the government simplified the CGT, by replacing indexation of the cost base with a 50% reduction of the capital gain for individual tax payers (different rules applies for super funds and companies). The winners under the new rules were people who had held investments for a short time, and whilst there were some transitional arrangements for those who had held investments for longer, with time, they have become the losers. With the passing of time people who now dispose of an asset which they have held for a long time are potentially worse off than under the original indexation rules.

I must point out that one of the crucial factors in any outcome under the current rules is the CPI figure. So over say, the last ten years this has been pretty low and the difference between the original and the new system is probably not that great.

The current system will become a problem when CPI returns to the rates of the mid 1970's and the following 20 years. If those inflation rates return the 50% concession would be eaten up in just a few years of CPI increases and the tax on capital gains will become even more a tax on inflation.

There has been talk over several years now of changing the Capital Gains tax system and I was rather hoping that the old indexation system would be reintroduced. Unfortunately the most likely replacement to the current system is that proposed by the Federal Labour party.

Under this proposal the flat reduction to Capital Gains will be retained and what's worse it will be halved to 25%. You can imagine at times where inflation is in double digit figures this reduction could be extinguished by CPI in two years.

This would make a bad system worse.

The only reason that the Labour party proposal has a good chance of being introduced is that Capital Gains tax applies only to a small proportion of tax payers.

What I would like to see (in some sort of utopian society) is for all tax payers to be treated equally.

If the proposed Capital Gains tax changes were applied to the greatest pool of assets in the country it would without a doubt be thrown out. That pool of assets? The homes of all Australians.

Homeowners who sell their home for a handsome 'capital gain' to have it taxed under the new rules at say 37.5% (assuming the top marginal tax rate) would find that they are priced out of the market if they sell to buy another comparable home. The significant reduction in their capital by the application of the Capital Gains tax would quickly expose the misnomer of 'Capital Gain' and expose it for what it is. A tax on inflation.

*John Wyk,
Assistant Treasurer.*

MEMBERSHIP RENEWAL INVOICES

I will not be including any renewal notices with the May newsletter this year but I will email invoices as we near the end of the financial year. For our members who do not have email facilities I will post out a paper copy.

*Your treasurer,
Patricia Webb.*



RIP

Sadly we bring you the news of the passing of
Mary SOLDAN
in April 2019.

Mary and husband, Davide, (deceased) have
been members for nearly 19 years.

May she rest in peace and our sincere
condolences to their families.

Rodney Webb on behalf of all of our membership

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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
AUGUST 2019 NEWSLETTER****Saturday 29th June 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 06/08/2019
Tuesday 05/11/2019

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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