

LANDLORDS' ASSOCIATION (S.A.) INC.
MINUTES OF FEBRUARY 2017 GENERAL MEETING
Held 7TH of February 2017 at the Fullarton Park Community Centre

Meeting open at 7:15 pm.

Chairperson

Margaret Kohlhagen was appointed and acted as Chairperson for the meeting.

Present

Margaret Kohlhagen	President
Patricia Webb	Treasurer
Rodney Webb	Committee
Antonia Zotti	Committee
Amanda Gargula	Committee
Theo Balomenos	Committee
John Wyk	Committee
Peter Allen	Committee
Members	
Guests	

Apologies

Stella Salagaras, Carolyn and Rino Parrella, Eric Mott, Cherie and John Woolven, Gundi Tophinke, Roger and Sue Fry, Peter Stainer, Jennifer Carollo, Ping Li, Dora Maio

A Quorum was declared.

Minute Takers

Theo Balomenos/Antonia Zotti

Guest Speaker

Ms Barbara Johns, Executive Senior Member, SACAT. Fact sheets were handed out at the beginning of the presentation.

- SACAT's work is divided into three streams. Housing and Civil is one of the streams.
- The vacant possession list accounts for 53% of the work. Listing times are generally three weeks ie from the lodgement of the application to the day of the hearing.
- Payment plans are listed within one week of the application.
- Bond refunds and claims for compensation make up 31% of the work. Listing times for bond claims etc is generally six weeks.
- Urgent cases may be listed within 24-48 hours eg drugs on premises, illegal purposes etc.
- Section 80 – applications for vacant possession. Form 2 for simple breaches such as failure to pay the rent and/or outstanding water accounts. Also use Form 2 if access to the premises is denied.
- Dates must be correct when issuing a Form 2. Rent must be 14 days in arrears and allow 7 days to remedy the breach. Other than rent arrears, allow 7 days plus another 7 days to remedy the breach.
- Rent records must be accurate. Contact LASA or the Tenancies Branch for advice.
- Self-executing payments. If a payment is missed, the landlord may lodge a statutory declaration and up-to-date rent records. Tribunal may send a bailiff. Usually a tenant is given three months for a payment plan to be paid in full. It is not necessary to go to SACAT for a payment plan order.
- Section 99 – the bailiff. The bailiff can evict a tenant only after an order of possession. The Tribunal must be contacted within 14 days of the date of possession. Email SACAT requesting a bailiff and arrange for a locksmith. The tenant is liable for the cost of the locksmith.

- If the 14 days has expired, the case must be relisted (another hearing). Once the bailiff has attended, the bailiff cannot return. The tenant has 48 hours to move their possessions. Use the services of a security guard if you feel insecure.
- You can accept a payment from the tenant but make it clear that vacant possession still required. You can take money owed but do not allow them to stay. If you allow the tenant to stay, it becomes a new tenancy under a periodic lease and 90 days' notice must be given for vacant possession.
- If the tenant returns to the premises and takes possession after being evicted by the bailiff, call the police.
- There are three bailiffs in the metropolitan area working from 9.00 am to 5.00 pm. Evictions are normally at 12 noon in order for the tenant to pay a full day's rent. Tribunal Members will change the time if there is a good reason.
- The Tribunal has no power to enforce a payment. Any outstanding rent arrears etc may be recovered via the Magistrates Court.
- Sections 69 and 94 – bond and compensation. 50% of the paperwork presented is incomplete. A landlord may claim for their own labour based on the cleaning rate of \$23.35 per hour. Provide incoming and outgoing inspection sheets, photos, invoices for curtain cleaning etc. Other information in support of a claim is text messages and any correspondence with tradespersons and the tenant/s.
- If a claim exceeds the bond – submit an application directly to SACAT. It is a waste of time going to Consumer and Business Services. The intention is to have one portal for documents which can be accessed by all agencies.
- Section 68 – application by the tenant for repairs. In some cases a tenant may seek a HIA order. Salt damp is a structural matter. The Tribunal cannot make an order for structural repairs. At a hearing provide copies of email/text messages from the tenant and tradespersons.
- Delays to resolving plumbing problems etc. It is reasonable for a HWS to be fixed within 48 hours. It is advisable not to say to the tenant “I want my plumber to do the job”. It is best to say “My plumber has ordered a new HWS and it will be installed within 48 hours”.
- If tenant is placing nappies, wipes etc down a drain and there are consistent blockages; obtain a report, evidence, photos etc from the plumber.
- Section 90 – deals with conduct, illegal use or nuisance. If there is a Tribunal hearing, if possible, have witnesses present.
- Section 87(2), 87(1) and 87(1A) – a vacant possession order made under these sections may be immediate. Section (1A) – the tenant has been served two Form 2 notices for unpaid rent within the last 12 months. The landlord may apply directly to the Tribunal without issuing a third Form 2.
- Section 78 deals with compensation for breaking lease costs.
- If you are unsure about doing an application online, the application can be done over the phone or at the SACAT office.
- Be aware that local council may declare a property uninhabitable if a clandestine lab is found on the premises. It is advisable to check with your insurance provider if cover is provided for the cost of professional cleaners if the need arises.
- Members were advised to lobby the Attorney General regarding the refund of the application fee when the landlord is not at fault.

Minutes of the previous meeting

It was resolved that the minutes of the General Meeting held on the 1st of November 2016 be accepted as a true and accurate record.

Moved: Gayle Woodward

Seconded: Linda Demchenko

Business arising from previous meeting

Nil.

Correspondence In:

Housing Minister Zoe Bettison – HIA regulations update

Correspondence Out

HIA
SACAT
Bonds Section

Financial report

The financial report for January 2017 was tabled. It was resolved that the financial report be accepted as a true and accurate record.

Moved: Linda Demchenko

Seconded: Jim Kouzaba

New Business

- In January Rodney W and Antonia Z attended a SACAT information session for the proposed changes to the online application process. The process will be more user-friendly with more drop-down menus and information bubbles. Antonia Z commented that members are welcome to use the LASA office computer for online applications with the assistance of a committee member (depending on availability).
- Amanda G has contacted members who do not have an email address recorded. Phone numbers have also been updated.
- Linda D commented on a current affairs program shaming bad landlords. Some landlords are taking 15 weeks to do repairs. Also if a property is leased out as Airbnb accommodation, damages may not be covered by insurance.
- Antonia Z commented that there is a website titled 'Don't Rent Me'. Amanda G looked up the website during the meeting and the site has thousands of members. Landlords can only list bad tenants according to strict guidelines however no guidelines apply when tenants list bad landlords/agents.
- LASA's missing tenants list is under utilised.
- Margaret K pointed out that vacant possession listing times are still too long.
- Rodney W advised that a member is offering assistance eg online applications. More details in the May newsletter.

Meeting closed at 9:00 pm.