

**LANDLORDS' ASSOCIATION (S.A.) INC.**  
**MINUTES OF THE MAY 2017 GENERAL MEETING**  
**Held 2<sup>nd</sup> of May 2017 at the Fullarton Park Community Centre**

Meeting open at 7:05pm.

**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
John Wyk	Committee
Peter Allen	Committee
Stan Heresztyn	Committee
Members	
Guests	

**Apologies**

Jennifer Carollo, Jim Kuzaba, Theo Balomenos, Joseph and Elizabeth Kotyla, Ute Schwerdt, Gerhard Schurer and Kevin Carslake

A Quorum was declared.

**Minute Taker**

Antonia Zotti

**Guest Speakers**

Ms Lisa Richmond and Rose from Consumer and Business Services (CBS), Bonds Administrators, Advice and Conciliation, Residential Bonds Online.

- Residential Bonds Online is mandatory for registered real estate agents. Landlords can still lodge via paper. Online is faster. There is a backlog of three weeks for bond lodgements and refunds.
- If a second party is acting on behalf of a landlord; both parties sign a Landlord's Authority form which is available online. Both parties are then authorised to sign a refund form.
- If a landlord is registered online, paper transactions are still acceptable.
- If a property is managed by a property manager and then the landlord takes over; a change of ownership form can be completed and signed by the landlord, and submitted with a government issued invoice for proof of identity. If there is a bond dispute, the landlord would have to lodge an application with SACAT.
- Bond refunds – fully consented; both parties agree to how the bond should be paid and both sign the refund form. If a tenant vacates; the landlord lodges a claim against the bond with CBS. A 31 day letter is sent to the tenant's last known address. If the tenant agrees, the claim is paid. If the tenant does not agree, the matter is referred to SACAT who will contact the landlord (an application fee is applicable). If there is no response to the 31 day letter, CBS will ask the landlord to justify the claim and if all in order, the bond claim will be paid to the landlord.
- Housing SA bonds – copy of a 31 day letter is sent to Housing SA. Housing SA can dispute the claim on behalf of the tenant or agree. If Housing SA agrees, the 31 days must still be allowed to expire giving the tenant time to agree or dispute. The tenant's decision overrides Housing SA. In the past Housing SA was not obliged to provide any information to CBS. CBS would write to the landlord asking to justify the claim taking another 28 days. In the interim, the form now sent to Housing SA asks if the claim is accepted or disputed.

The system is changing at the end of May. For a non-consented bond, CBS will initiate a letter to the tenant. If the landlord has a registered email address, a link will be sent to the landlord who can justify the claim instantly. If it is a Housing SA bond; Housing SA will receive the information. The bond will be dealt with accordingly or sent to SACAT if necessary. The same information will be uploaded once to all three agencies.

- At one stage Housing SA were struggling to notify CBS if claims were accepted or disputed due to a staff shortage. Bonds Section has 10 staff with a heavy workload; three are part-time.
- If a tenant has vacated and gone overseas, and the 31 day letter is returned to sender; legislation dictates that the letter must go to the last known address and must expire. It is the tenant's responsibility to provide their new address. If the tenant contacts CBS during the 31 day period, a copy of the letter is initiated again with the same expiry date.
- Once a landlord registers online there is no paperwork involved even if a tenant signs a lodgement or refund form. At the refund stage, the tenant will be sent a link which needs to be activated. If the link is not activated, a 31 day letter will be initiated. At the lodgement stage there is an option to send the tenant a receipt, lodgement number etc.
- The refund can be done online if the tenant is active with an email address or a paper form can be submitted with the tenant's photo ID. If the bond was lodged online and a paper form for the refund is submitted, there is no signature on the system to match up with. A tenant's signature may also vary. CBS may match a current bond to a previous bond. A photocopy of a driver's licence can be in black and white or colour.
- With no signatures, how secure is the online system; the system sits behind the justice firewall eg SAPOL (South Australia Police), AFP (Australian Federal Police) and the court system.
- If the tenant pays the bond by cheque and the landlord deposits the cheque into their account to be lodged online, the bond lodgement period starts when the cheque is cleared.
- Funds for a bond lodgement can only be debited from the landlord's account. With paper lodgements via post, credit card accounts are no longer accepted. Credit cards are accepted at the service centre.
- If there has been a name change; name change documentation is required eg a marriage certificate. Change of tenant form if submitting manually.
- If a tenant has moved overseas, the standard bond refund procedure applies.
- Occasionally the RBO system shuts down over the weekend when new releases need to be updated.
- When a bond is in the name of two tenants and one tenant vacates without leaving contact details, the remaining tenant completes the declaration at the back of the bond refund form. If at a later stage the other tenant wants their share of the bond, it becomes a civil matter between the two tenants. CBS and the landlord are not liable.
- Subletting – the bond belongs to the tenant who has the lease agreement with the landlord. If the tenant vacates without notice, lodge an application if there is a claim. If you do not wish the sub-tenant to stay, lodge an application with SACAT.
- It is now easier for the tenant to go online. There is only one link for the activation to take place. Tenants are sent a notice with key points to encourage them to activate the link.
- If a tenant applies for a bond refund online, the landlord is sent a link to say there is an application waiting. The landlord can accept or decline. If declining, a reason must be given. Be cautious of what you write.
- SAPOL can request information listed on the RBO system for the purpose of issuing a warrant. Only the RBO team leader can perform the search for SAPOL.
- Thirty-one day letters cannot be emailed. Legislation states that the letter must be posted.
- The online link sent to tenants is only in English. This will be changing; however the process is time consuming. There are three different areas involved.
- An existing paper bond tenancy can be transferred to online.
- An email address cannot be updated online once a bond has been lodged. Only CBS staff can update an email address.
- RBO password must be changed every 3 months.
- Members were invited to email Lisa with any further questions.
- A member was concerned about information been given to police. The member recounted a story where there had been a domestic violence situation. The victim no longer lived at the rented premises however

police broke in and caused damage. There were witnesses to the damage but the police would not compensate the landlord. Margaret commented that police were able to obtain information from other sources eg land titles office.

### **Minutes of the previous meeting**

It was resolved that the minutes of the General Meeting held on the 7<sup>th</sup> of February 2017 be accepted as a true and accurate record.

Moved: Gayle Woodward

Seconded: Rodney Webb

### **Business arising from previous meeting**

Nil.

### **Correspondence In/Out:**

There is three months of correspondence. Please refer to the committee meetings minutes posted on the LASA website. Members without the internet can ring to request a list of the correspondence.

### **Reports**

#### **President's report**

- Margaret was interviewed by ABC Radio. Only two hours' notice was given. Julie MacDonald, spokesperson for the Housing Trust Tenants Association was interviewed at the same time. One of the topics discussed was the availability of more private rental for low-income renters. Landlords rang in commenting about land tax, council rates etc. Approximately 10 years ago LASA met with the government in regards to this issue. LASA proposed to the government what was required for landlords to house low-income tenants. The government did not follow up with LASA.
- Margaret also met with Damian Allison from Consumer and Business Services. One of the items discussed was the licencing of property managers. The licence fee will be \$180.00 per annum. Margaret was concerned with the level of training. The licence will not apply to private landlords.
- Margaret has noticed that many private landlords are switching to property managers due to legislation constantly changing. However, how efficient are these property managers. Some have many years of experience but are still unsure of what they are doing. It is important for members with a property manager to remain members of LASA for the sharing of information and knowledge. Mario commented that approximately 20 years ago the Strata Association collapsed due to lack of support. Margaret commented that the same happened to the Boarding House Association.

### **Financial report**

The financial report for the period 1<sup>st</sup> of July 2016 to the 30<sup>th</sup> of April 2017 was tabled.

### **New Business**

- A member asked how many members LASA has. Regardless of our membership number, Mario commented that LASA represents all South Australian landlords.
- Margaret asked that when using the services of advertisers in the newsletter; please let them know you are LASA members. Please provide any feedback, good or bad to the committee.
- A member commented that it is unfair that landlords must pay the application fee when it is the tenant at fault. And also pay the property manager a fee for attending the hearing. In some cases \$55.00 per hour.
- A member commented that interstate they are trying to introduce a blanket no smoking policy for strata corporations.
- Mario showed members electrical cables etc which had been found in the roof cavity of one of his rental properties. After all of his years of experience, he was caught out by a group of professionals from overseas who were growing marijuana. At an inspection Mario noticed that one of the light fittings was not as it should be and the manhole was marked. There was a patched hole in the ceiling and a hole cut in the floorboards; not fixed property and pot plant marks on the floorboards.  
When Mario informed the tenants he was returning in 7 days time with a step ladder, the tenants vacated the premises leaving the keys in the letterbox. The police were not interested as there were no marijuana plants present. Police were only interested in the theft of electricity. Mario suggested that it may be

necessary to check the roof cavity when doing an inspection. Also when the electrical wiring is corrected, it must be compliant.

- Gayle W commented that if SA Power Networks is contacted, they will send someone who will check the power board and go into the roof cavity at no cost. If the power board and wiring have been tampered with, SA Power Networks will prosecute.
- A member commented that overseas students had been running a migration scam and defrauding banks from a rental unit. The students were reported to various agencies to prevent them from re-entering Australia.
- Mario further commented that SA legislation dictates that 7-14 days' notice must be given for an inspection. This gives tenants ample time to remedy an illegal activity. In Victoria only 24 hours' notice is required to do an inspection.
- These problematic tenants appear to be the ideal tenants. They are employed and always pay the rent on time in cash.

Meeting closed at 9:10pm.