

LANDLORDS' ASSOCIATION (S.A.) INC.
MINUTES OF NOVEMBER GENERAL MEETING
Held 1st of November 2016 at the Fullarton Park Community Centre

Meeting open at 19:10.

Chairperson

Rodney Webb and Margaret Kohlhagen were appointed and acted as Chairpersons for the meeting.

Present

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|---------------------------|-----------|
| Margaret Kohlhagen (late) | President |
| Rodney Webb | Committee |
| Antonia Zotti | Committee |
| Stan Heresztyn | Committee |
| Stella Salagaras (late) | Committee |
| Amanda Gargula | Committee |
| Members | |

Apologies

Patricia Webb, John Wyk, Peter Allen, Gino Leuci, Kathy and Michael Guerin, Gerhard Schurer.

A Quorum was declared.

Minute Taker

Antonia Zotti

Minutes of the previous meeting

It was resolved that the minutes of the Annual General Meeting held on 2 August 2016 be accepted as a true and accurate record.

Moved: Linda Demchenko

Seconded: Gayle Woodward

Business arising from AGM

Nil.

Correspondence In:

- Tenancies Updates. One for 'Providing documents to support a non-consented bond claim and one for 'Serving Form 2 for rent arrears'. Jack E commented that by serving the Form 2 after 15 days arrears, the rent in advance can be included.
- Replies from Consumer and Business Services regarding updated Form 2 timelines and non-consented bond claims.
- Newsletter article from Business Improvement, Housing SA.

Correspondence Out

- Clarification from Consumer and Business Services of updated Form 2 timelines.
- Comments/queries to Consumer and Business Services regarding non-consented bond claims.
- Email between Margaret K and SACAT and Bonds Section. Linda D commented on the 30 day letter; further delays are due to the lack of communication between SACAT and Bonds Section. One bond dispute took 45 days to be resolved. One of Margaret K's bond disputes took 60 days to be resolved. In one case supportive documents were supplied three times. Margaret K would like to be advised of cases (with supportive documents) regarding the delayed payment of bonds. There have been cases where the bond is exhausted and the tenancy reinstated.
- Email between Margaret K and Hayley Duncan (Marley Duncan Real Estate).
- Email to Property Owners' Association of Victoria re: water invoices to tenants.

New Business

- Rodney W displayed on the projector screen the Tenancies Update for 'Providing documents to support a non-consented bond claim'. Photocopies of the update were also distributed.
- Rodney W has compiled an excel list of the most commonly used tenancy forms with a hyperlink to the Consumer and Business Services website. The forms are regularly updated. Amanda G suggested sending the list via MailChimp. The list will also be included with the next newsletter as not everyone has an email address.
- A member asked if LASA has much sway when there are proposed amendments to legislation etc. Mario L commented that contact with several politicians by landlords voicing objection to the amendment of Section 83 had contributed to the rejection of the amendment by the State Government.
- Margaret tabled a draft of proposed changes to Form 2. Members were asked to provide feedback by the end of the meeting.
- The State Government is proposing to introduce the licencing of property managers. This is more about revenue for the government and even though a property manager may be licenced, this does not necessarily mean that they knowledgeable in this area. A body may be appointed for training. It is not yet known if licencing will apply to private landlords. Mario L commented that if a landlord has been a member of LASA for five years, there is no need for a licence. LASA members will have sufficient knowledge and support to manage a property.
- The SACAT fee was discussed. Jack E commented that it is not so much the payment of the fee but that in most cases the offending party is not the one paying the fee. In some cases if the applicant is the tenant, they will be compensated the fee. Margaret K reminded members that the fee is waived for concession card holders.
- Margaret K remarked that matters have become worse in the last two years since SACAT was established. Margaret also added that landlords are too complacent. We need to be complaining about hearing waiting times, writing to MPs etc.
- Mario L recounted a story about squatters. A landlord had a situation whereby the tenants were evicted but they kept returning to the property and caused damage when breaking in after the locks had been changed. Even though the police removed them from the premises, they kept returning. Jack E pointed out that current legislation provides that if your former tenant causes damage to your property, you can seek recovery for the reinstatement cost but they cannot be charged with a criminal offence. Gayle W commented that the police will not complete a malicious damage report. It is a civil matter and must be processed by SACAT or the Magistrates Court. Linda D was able to have a former tenant charged for trespassing only because the neighbour living next to her rental property agreed to be a witness. Margaret explained that when a bailiff is called to evict the tenant and the locks are changed, the tenant has two days to remove their possessions. After two days it is trespassing. A member had to wait for four days after lodging a request for a bailiff to attend.
- Gayle W commented that her insurance company would not pay rent default compensation until the lease had ended and not when the tenant was evicted.
- Members were reminded that a Form 2 can only be served after the rent is 15 days in arrears. Allow extra days for postage when calculating the timelines. Margaret suggested not serving a form by registered mail as the tenant may refuse to sign for it or to pick it up from the post office. Only put the method of serving the form on your copy and not the original. Forms can be served at the same time by multiple methods eg email and the letterbox.
- Bond guarantees may only be eg 75%. This may be due to the tenant still paying back a debt. The landlord can contact Housing SA and request 100% or else the tenant will need to make up the difference from their own funds. Bond guarantees expire after 42 days of being issued. From October Housing SA bonds went online ie tenants must apply online and only one weeks' rent in advance is paid instead of two weeks.
- It appears than signatures are not always required for the release of bond monies. If a landlord owes a property manager money eg for repairs, the property manager can have the bond released in their name without the landlord's signature. Margaret K suggested including in a property management agreement that the bond money not be released by the property manager without the landlord's consent.

- The Real Estate Training Academy is offering property management courses for \$750.00. Modules on Landlords Insurance and maintenance appear not to be included. The Real Estate College was also suggested. Free sessions are offered through the Tenancies Branch.
- Although landlords are required to lodge bonds and bond refunds online, the paper forms are still available. Bond refunds are no longer paid by cheque; bonds are paid by direct credit.
- Prospective tenants cannot be forced to provide photo ID. However if they do not volunteer to provide photo ID, this may signal a warning.
- Members were happy to receive advertising via MailChimp eg a member wishes to buy a block of units from another member willing to sell. Advertising fees will apply. Members agreed to internal advertising of real estate only and no conflicts of interest. If members do not wish to receive advertising they can unsubscribe from MailChimp. Such adverts can also be placed in the newsletter. Members may also inform other members of important issues via MailChimp (at the discretion of the committee).
- LASA website rentals page. The rentals page is free for members to advertise their rental properties. Antonia Z suggested that the website could be upgraded so that LASA rentals appear when a prospective tenant is searching via Google etc. At the moment a prospective tenant must specifically search for the LASA website for rentals. A member mentioned that hosting per month may be expensive. Gianfranco I commented that the rental advertiser in our newsletter offers good value.
- BPOINT; online processing of credit card vouchers. Members were encouraged to pay the membership subscription etc by direct credit, cash over the counter at any Commonwealth branch (free of fees) or at meetings. The processing fees for credit card vouchers are 1.41% GST inclusive of the amount processed plus \$0.29 per transaction.
- Members were asked for suggestions for guest speakers. Suggestions were a Bonds Section Officer, the water minister, Tenancies Branch and someone from SACAT. Members were concerned about landlords receiving invoices for the water that tenants use and what could be done as an association to change the Act. Rodney W intends to contact ESCOSA (The Essential Services Commission of South Australia). Gianfranco I suggested a workshop for letter writing.

Financial report

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

Moved: Gayle Woodward

Seconded: Linda Demchenko

Meeting closed at 9.20pm.