



Tenant News

HOUSING AUSTRALIA AFFORDABLY

Late last year National Shelter, the national peak non-government organisation representing the interests of low-income housing consumers, released its national policy platform providing a set of pointers as to how the Australian Government might continue working towards a fairer housing system. A summary is provided below.

Integrated Housing Policy

While National Shelter recognises that the task of coordinating housing policy is not an easy one, given its complexity and close links with other policy areas, we see such coordination as essential to good housing policy. National Shelter calls on the Australian Government to:

- develop a National Housing Strategy to address issues across the housing system including the way housing affects, and is affected by, policy decisions across government;
- address a broad range of areas including delivery of affordable housing programs, the tax treatment of housing and housing-related income support measures;
- develop mechanisms for consumer and "expert" input on housing issues;
- elevate housing to a Cabinet level ministry aligned with regional and urban development.

Better Planning and Regulatory Environment

There are great benefits to be achieved from national cooperation around regulatory issues and the Australian Government is in a strong position to lead this cooperation through the COAG mechanism. National Shelter calls on the Australian Government to create a Residential Development Taskforce, to examine a wide range of issues including urban and regional planning, transport, incentives for affordable housing development, innovative tenure forms, and the links between housing and climate change.

Improved Private Rental Sector

The Australian Government should work with State and Territory Governments to develop national standards for tenants' rights that adopt current best practice, including:

- limiting evictions to cases where there is a "just cause" such as a serious breach of tenancy conditions, a need for the owner or their immediate family to use the dwelling as their principal place of residence, or the need for major repairs or renovations that require

vacant possession;

- limits to the frequency and level of rent increases;
- regulation of residential tenancy databases;
- introduction of tenancy rights for boarders and lodgers and for caravan park tenants;
- mechanisms to prevent or minimize discrimination.

The Australian Government should also investigate the current state of the boarding house industry.

Improved and Expanded Affordable Rental Housing Affordable Housing Programs

Affordable rental housing is fundamental to a fair housing system. National Shelter applauds the Australian Government's recent funding commitment to this area, and calls on the Australian Government to:

- aim to achieve a minimum of 220,000 new dwellings under affordable housing programs by 2020;
- ensure a range of different levels of subsidy within this system to meet the needs of households at different income levels;

(Continued on page 3)

INSIDE THIS ISSUE

ACT Green's Plan for Community Legal Centres

ACAT

Office of Rental Bonds

Tenants Make Our City

Hangin' on the Line

TU Update

Tenancy news

Global Tenant..... renting across the world

Sobering Stats



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Editor: Deborah Phippen

Many thanks to contributors: Heather Taplin for "Hangin' on the Line, also to International Union of Tenants for the IUT article. Also to Izzy for proof-reading.

The views of contributors to Tenant News are not necessarily those of the TAS or the Tenants' Union ACT and the service does not accept responsibility for the views and opinions expressed by contributors in this newsletter.

CONTRIBUTE!

We welcome and encourage all contributions, great and small, to **Tenant News**

This is a newsletter for tenancy issues, stories, thoughts, letters, cartoons...

If you are interested in contributing, call the office for details

02 6247 1026

Or post your contribution to:

PO Box 8, Civic Square ACT 2608.

Or email your contribution to:

TUACT@bigpond.net.au

TU Email List

The TU now operates an e-mail list for people wishing to view our new publications—including **Tenant News**—in electronic format.

The list is also used to advise subscribers of important tenancy and housing issues and news. If you would like to join the TU email list, please send a message to: tuact@bigpond.net.au

EDITORIAL

Autumn is here again, how did that happen? It seems only yesterday we were talking to tenants about air conditioning and dying gardens and here we are advising about leaks and heating.

As you may note, it has been some time since the last issue of Tenant News, sadly that is the way it goes in a small organisation where our prime focus is ensuring that the TAS line is operating and we are directly helping tenants.

However, as can be shown in "Sobering Stats", some things sadly have stayed the same - ever increasing rents; not enough affordable housing; and the heavy demand on our service, something reflected in other community legal centres, and other community agencies across the ACT. These issues are demonstrated in our annual report as presented at our Annual General Meeting late last year. The TAS top five problems also remain pretty much constant—rent increases, evictions, repairs, breaking leases, bond.

As we look to the rest of 2010, we do so anticipating that we will see the ACT Government follow through with much needed changes to the Residential Tenancies Act (RTA), as recommended in our RTA Report Card back in 2007. We also look to the second year of the ACT Civil and Administrative Tribunal as a time for settling some teething problems that will see it accessed by many more tenants. Of course such access will only occur once the changes are made to the RTA and tenants feel secure in enforcing their rights. Yes, we live in hope.

Also looking to the future we have started work on updating our website, and have entered the world of Facebook—we will be seeking feedback and suggestions, as well as friends and fans.





STOP PRESS **Greens' plan for Closing the Gap on Unmet Legal Needs

The ACT Greens' have released a 5 point plan to improve access to legal services for those in the ACT who cannot afford a lawyer. The paper identifies that people are going without assistance when they need it most and that better funding of Community Legal Centres is part of the solution.

The paper outlines a series of steps to quantify the number of people missing out on assistance and identify how many extra lawyers are required to close that gap. Once that gap is quantified, the ACT Government will need to increase funding and the Greens' plan suggest that a strategic way to improve services is to invest in CLCs.

The Tenants Union is well respected in the ACT for its advice in the tenancy law field. The Greens' plan calls on the ACT Government to improve TU funding if the studies identify that missing out on TU assistance is a consistent trend.

The Plan includes both long term strategic actions, such as identifying gaps, and urgent steps that need to be taken now. Immediate actions include funding in next months budget to secure a permanent Indigenous Liaison Officer at the Women's Legal Centre.

A copy of the paper can be accessed in full from <http://act.greens.org.au/archives/1948> or by contacting the office of Greens Attorney General spokesperson Shane Rattenbury on 6205 0005 or Rattenbury@parliament.act.gov.au.

(Continued from page 1)

- develop flexible, integrated management of programs which allow households and houses to move between programs rather than making households move house as their circumstances improve;
- deliver this housing in communities with mixed tenure types and resident profiles;
- develop a range of sources of funding for this housing;
- ensure the sustainability of affordable rental housing providers;
- continue the rollout of NRAS;
- continue to improve the rights and protections available to tenants of affordable housing programs by measures such as access to external appeals mechanisms.

Indigenous housing

The provision of adequate housing is a precondition to responding to a range of other issues in Indigenous communities. Self-determination is also essential to ensuring the wellbeing of Indigenous communities, and programs should work towards the greatest possible devolution of housing management from government housing authorities to Indigenous housing organisations. National Shelter calls on the Australian Government to:

- implement a comprehensive National Indigenous Housing Strategy to respond to the needs of households in urban, regional and remote communities;
- work closely with Indigenous communities on implementing this strategy, and build the capacity of Indigenous communities to

manage and control their housing, maximize self-determination and support Indigenous-led housing provision;

- wherever possible employ Indigenous people in construction and maintenance programs, both using the existing skill base in Indigenous communities and using training programs to expand local skills.

Supporting Vulnerable Households

National Shelter welcomes the Australian Governments White Paper on Homelessness, The Road Home, and its commitment to a target of halving the number of people experiencing homelessness by 2020 and ensuring that all rough sleepers who need it are offered crisis accommodation by 2020. National Shelter calls on the Australian Government to:

- facilitate the access of highly disadvantaged households, including people experiencing homelessness, to social housing properties;
- ensure that multiple disadvantage does not lead to exclusion from housing and support services, and that people entering the homelessness service system at any point can get access to both the housing and the support they need to bring a permanent end to their homelessness;
- closely link housing and support strategies;
- develop programs to prevent homelessness amongst people exiting corrections, leaving State care and leaving mental health facilities;
- index the level of funding to homelessness support services, at least to CPI increases;
- increase the level of support available to sustain households at risk of homelessness in

(Continued on page 4)



ACT OFFICE OF RENTAL BONDS

At this time of year many people are moving in or out of tenancies and bond lodgement and return are important issues.

It is important to be aware of what is happening with your bond.

A few things to remember:

At the start -

- If a bond is charged you must get a receipt and IT MUST BE LODGED WITH THE OFFICE OF RENTAL BONDS (ORB)
- You must be asked to sign a Bond Lodgement Form.

At the end of your tenancy -

- NEVER SIGN A BLANK FORM
- Know what the landlord/agent is actually entitled to claim out of your bond—you may be surprised!
- If you do not agree with a landlord's or agent's claim do not sign the claim form, you can lodge your own, you have as much right to make a claim as they do
- Make sure you provide ORB with your forwarding details

	2008 - 09	07-08	06-07	05-06
No. of bonds lodged	14, 256	14,066	13,179	12,581
No. of bonds refunded	13,097	13,041	11,187	12,675
Average value of bonds (\$)	1,420	1,320	1,217	1,226
Value of bonds lodged (\$)	23,256,705	21,513,847	16,038,843	15,564,446
Value of bonds refunded (\$)	16,825,411	15,318,701	Not available	12,913,734
Value of bonds held at 30/06/09 (\$)	38,900,537	34,653,986	Not available	28,790,458

(Continued from page 3)

their existing tenancies.

A Fairer Tax System

The current review of the taxation system provides an ideal opportunity to address long standing inequities in the tax treatment of housing. Tax reforms should increase fairness in the system, provide the greatest subsidies to those in the greatest need, and improve efficiency, ensuring that tax arrangements don't add to inflationary pressure on housing costs. National Shelter calls on the Australian Government to:

- remove the capital gains tax exemption on higher priced owner-occupied housing;
- limit the inflationary pressure of current negative gearing provisions by quarantining the deductibility of costs in rental housing to the income from the rental investment;
- ensure that the provision of housing under an affordable housing program is deemed as a charitable activity for the purpose of granting Public Benevolent Institution status within the tax system;
- examine mechanisms to encourage other forms of investment in affordable private rental, such as the tapering of negative gearing over a defined period;
- examine ways to use the tax system to encourage owners to sell or lease unoccupied dwellings;

- examine ways the tax system can encourage the growth of new housing stock.

A Fairer Income Support System

National Shelter calls on the Australian Government to:

- immediately increase the maximum rate of Commonwealth Rent Assistance (CRA) by 30%;
- in the medium term carry out a comprehensive review of CRA, examining a range of issues including possible regional variations in the maximum rate, extending eligibility to public housing tenants, and ways to support transition to home ownership.

Conclusion

The Rudd Labor Government has made a good beginning in addressing housing affordability issues in Australia. It has introduced a number of programs and initiatives to improve the supply of affordable rental housing, boost support for homeless people and improve the fairness of tax and regulatory provisions. If these measures are to have a lasting impact on the fairness of the Australian housing system, they need to be built on over the long term. Housing Australia Affordably points the way towards this long-term sustained effort.

A full copy of this platform can be found at www.shelter.org.au



A NEW HOME FOR ACAT

The ACT Civil and Administrative Tribunal (ACAT) moved out of the ACT Magistrate Court building late in 2009.

The ACAT is on the fourth floor of 1 Moore Street, on the corner of Moore and Alinga Streets in the Canberra CBD. The building is known as the ACT Health building.

The fourth floor can be accessed by lifts - the lift lobby is located on the ground floor towards the back of the building behind the cafeteria.

Getting There

The ACTION bus interchange is nearby. There is a taxi rank in Alinga Street immediately outside the building. There is some open-air parking off Marcus Clarke Street and in the City West multi-storey car park. Open-air parking is also available in the London Circuit car park.

There are several parking spaces for vehicles with disability permits at the front of 1 Moore Street and in the lane running off Moore Street at the back of the building.

If you are going to the tribunal for a hearing or conference please make sure you that you allow plenty of time for parking so you are not worried if your matter takes longer than you expect.

Contact Details and Opening Hours

Visiting in Person: The Registry Counter is open for general enquiries between 9.00am and 4.30pm, each weekday. However, the Counter cannot accept payment of money (filing fees, payments etc) after 4.00pm on any day.

Mail: Postal address is GPO Box 370, Canberra City, 2601.

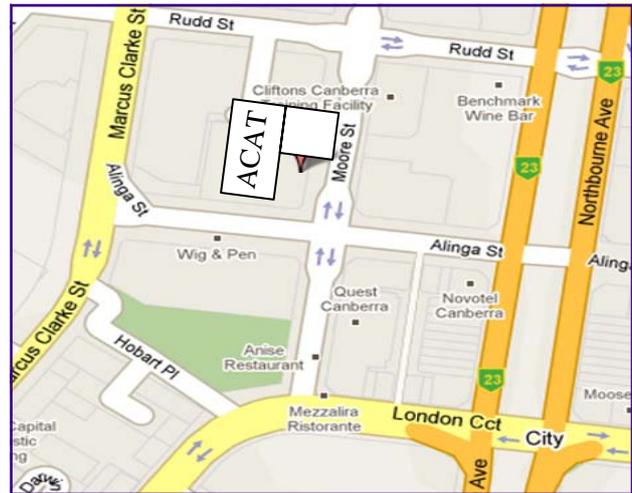
Telephone: (02) 6207 1740

ACAT registry staff are usually available by telephone between 8.30am and 5pm each weekday.



This is a small and busy registry. Sometimes staff are not able to answer calls immediately. The telephone system is set up so that it rings several times to give staff a chance to take calls before the voice mail system operates.

If you leave a message you will be called back. Please make sure you leave your name, phone number and the case number of any case you are calling about.



Facsimile: (02) 6205 4855

Documents can be sent to the ACAT by facsimile. This is a busy fax machine that receives a lot of documents.

Please make sure that documents clearly show the contact details for the sender, the person or area the document is addressed to, the number of pages sent by fax and the title and case number of any relevant case.

Email: tribunal@act.gov.au

Emails can be sent to the above address. The address is checked at least twice a day and usually more frequently.

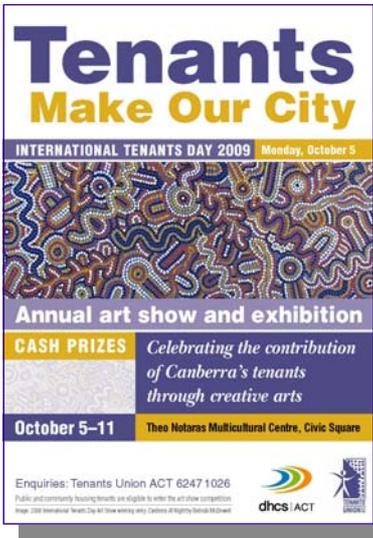
Emails should clearly identify the contact details of the sender, the title and case number of any case and the person or area the email is addressed to.



TENANTS MAKE OUR CITY

Since 1994 the Tenants' Union celebrated International Tenants' Day (the first Monday in October) with a series of events that became Tenancy Week. In 2009 this changed and the major event, the public tenants art exhibition and competition became the only event.

In January 2009 the TU faced the long process of co-ordinating the series of Tenancy Week events and finding supporters and participants. Once again we knew it would take its toll on our little office. This time we acknowledged that it was too much for our small team to carry. So, we decided we had to move on and have only one major event for International Tenants Day and that it would be the popular art exhibition and competition, with 2009 to be its third year. Of course tenancy information stalls, workshops and other activities continue to be offered and run throughout the year.



"Tenants Make Our City" was the ACT message for International Tenants' Day 2009 and the theme for showcasing the creativity and contributions of Canberrans living in public and community rental housing. This theme highlighted the often ignored fact that in Canberra, as elsewhere, tenants make a significant contribution to our city, its culture, its diversity and its economy. For entrants the exhibition is an opportunity to focus their creativity on an issue close to their experiences and also to display and sell works, and even win a cash prize.

Tenants' Union ACT hosted the event at the Theo Notaras Multicultural Centre in Civic. This was made possible by the valuable contributions from Housing ACT, both financial and staff resources.

Meredith Hunter and Alistair Coe. Housing ACT was represented by Executive Director David Matthews. The rest of the crowd was made up of artists, their friends and family, TU members and members of the Joint Champions Group.



The Gallery was the perfect setting for the 39 entries. As in previous years the volunteer judges gave their valuable time to cast their eyes over the wide range of art works, showcasing a vast range of mediums, methods, and messages. Many thanks to Jorge Bagnini, Jenni Martiniello and Andy Heaney.

The award winners were:

- First prize - **"Ocean Illusion" by Justin Sankey**
- Second prize **"Brindabella" by Belinda McDowell**
- Third prize **"Filled With Life" by Rob Cowan**



Thanks to all of the other artists who made this such a success:

- | | |
|----------------|-----------------------|
| Samantha Aston | Natalie Brajkoovic |
| Dave Corthorn | June Lakatos |
| Shari Lemaire | Yuan Linaretos |
| Miranda Misnik | Sarah Morgan |
| David Oliver | Johnny Oshana |
| Dr Possum | Y Qiing Gu |
| Keith Reece | Maria Sankey |
| Vijaya Sen | Thomas R Taylor |
| | And the BAC Art Group |

Copies of photos of the evening and the works are available from the TU office and will be available on the TU website.

We hope that we will see the same level of enthusiasm and involvement this year.

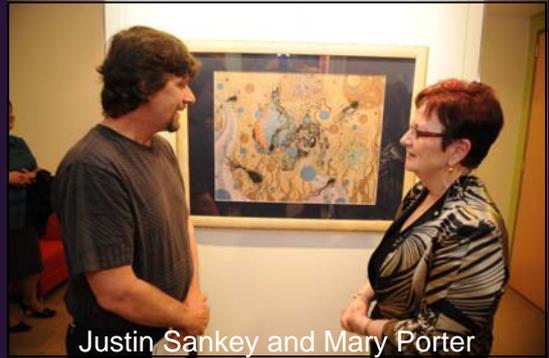


The exhibition was open to the public throughout the week leading up to the Awards Evening.

The Awards evening was a great night with MLA Mary Porter awarding the prizes. We were also joined by MLAs



BAC Art Group



Justin Sankey and Mary Porter



BAC Art Group



Shari Lemaire



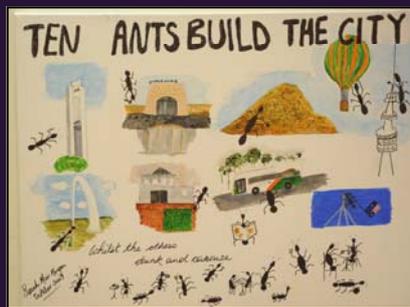
Rob Cowan and Helen Merritt



Belinda McDowell collects her award



By Yuan Linaretos



By Sarah Morgan



"Brindabella"



By Johnny Oshana



Maria Sankey with her work

Some artists and artworks



HANGIN' ON THE LINE



The Tenants' Advice Service (TAS) offers free advice to all ACT tenants (public, private, community and others).

You can access the TAS line by calling 6247 2011 from 9:30am to 1pm Monday to Friday, and 4.30 — 8pm Tuesdays.

Charging tenants for paying their rent – what a Bright idea

Bryan Rumble recently merged with Bright Partners Total Property Management... Big deal, right? Why do tenants care about business mergers that they have no involvement in anyway?

Well, tenants care when they all get letters from their new property manager purporting to change a term of their lease agreement.

The Tenants' Advice Service received several calls recently from new tenants of Bright Partners. These callers were told by letter by their new real estate agent that they would have to change their rent payment method. Tenants who had agreed at the start of their tenancy to pay rent via BPay, or bank transfer, or direct debit, and had been paying that way for months, were now told that they had to sign up to a company called Reconnect to pay their rent. They were not provided with a BPay number or account number or direct debit form, which made it impossible for tenants to pay their rent as agreed.

The Standard Residential Tenancy Terms cover all tenancies in the ACT, and Clause 26(3) of those Terms states that the tenant and the lessor may agree to change the way rent is paid. Although tenants are still obliged to pay their rent, they *do not have to* change their rent payment method. Like any other term of the tenancy, the landlord or estate agent cannot force the tenant to change their agreement if they don't want to.

In fact, taking away the possibility for tenants to keep paying rent as agreed is a breach of the tenancy agreement. It is also a dirty pressure tactic designed to scare tenants into agreeing to the new rent payment method

because they are afraid of getting into rent arrears. It also bets on the odds that tenants will feel more obliged to play by the rules than real estate agents.

The letters that the tenants received are worded as though the estate agent has the right to change the rent payment method, and the tenant has no choice. This is a misrepresentation of the law and misleading agent conduct. There's a valuable lesson to be learned here – just because it's on company letterhead and looks official doesn't make it legitimate.

“This is a misrepresentation of the law and misleading agent conduct. There's a valuable lesson to be learned here – just because it's on company letterhead and looks official doesn't make it legitimate.”

The tenants in this situation were told that they had to pay their rent through a company called Reconnect. Reconnect charges tenants a fee for the privilege of paying their rent. This is questionable under tenancy law, because under section 15(1) of the Residential Tenancies Act, a tenant can only be charged rent and bond. It is this section that also makes fees such as reinspection fees, changeover of tenant fees and break-lease fees unlawful. But even worse, Reconnect can increase the fees they charge, provided they give the specified notice.

Reconnect also charges extra fees if a tenant defaults on a rent payment. Under tenancy law, a landlord is not entitled to any fees, even for a late or insufficient rent payment. A tenant has to pay the rent they owe, and risks eviction if they don't pay their rent, but they can't be charged any fees or penalties. And



under tenancy law, tenants are given a few days' grace period. Under clause 92(a) of the Standard Tenancy Terms, a landlord cannot take any action until the 8th day after the rent payment was due. This is in recognition that mistakes can be made, that sometimes it isn't the tenant's fault, and that it's probably harder on a tenant to pay penalties than it is for the landlord to wait a couple of days for rent. With Reconnect, if you have a dispute and need a statement for your records, or you need to void or reverse a payment, you'll be charged fees for that as well.

Reconnect also collects information about tenants which it can sell to third parties. Information can include bank records and whether rent payments are made. Obviously this involves a huge invasion of privacy, and one which most tenants probably wouldn't agree to if they didn't think it was necessary to keep their accommodation. These types of companies have so far evaded privacy laws because of the argument that tenants are consumers with a choice, who agree to these conditions voluntarily. But when it comes to the need for housing, it is not a real choice. This should be obvious, but short of mass public pressure to change these laws, it might take a legal case to get the point across.

Aside from privacy laws, Reconnect's policies also seem like an attempt to get around the Residential Tenancies Act's prohibition on tenancy databases. Under the Residential Tenancies Act, no database can store information about a tenant unless regulations have been passed allowing that sort of information to be collected and stating a reason why. If databases were allowed to collect any information they wanted, this would make it much easier for unscrupulous landlords to deny housing to certain sections of society, given the difficulty of enforcing discrimination legislation in tenancies.

It could also be used to discriminate against tenants who have taken legitimate steps to enforce their rights, such as negotiating for a lower rent increase or asking for repairs to be done, even if they have taken the case to the tribunal and shown that they were in the right. This would undermine every right that tenants

have under tenancy law. Even though tenants could achieve better renting conditions if they all asserted their rights, without some system to ensure that other tenants will do the same, individual tenants are already afraid to stick their necks out. The threat that their tenancy applications will be dismissed if they are listed on a database is an extra disincentive to enforce their rights.

So far, there are no regulations allowing any form of information to be collected, so it is unlawful for any database to store any information about ACT tenants. But even if regulations allowed only the most basic information to be collected about tenants, the mere existence of tenancy databases goes against the idea that housing is a human right, and that no human deserves to be homeless, whatever they may have done.

What should I do if I'm a new Bright Partners tenant?

Have a look at the "form letters" section on our website, at www.tenantsact.org.au and find the sample letter "Change of Rent Payment Method".

If you have already changed your payment method to Reconnect, you may need to add a section to the sample letter. You should explain why you made your last rent payment with Reconnect (for example, if applicable to you, that the agent misrepresented that you had no choice, you didn't want to miss a rent payment, and you didn't have adequate time to learn about your rights.) You can still demand that they allow you to pay your rent as agreed at the start of the tenancy, but the longer you wait, the more difficult this will be.

Our "[Frequently Asked Questions](#)" link also has a section about paying rent through a third party. And have a look at our [Tenancy Tipsheet](#) on making a complaint about a real estate agent. If you know someone else in this situation, please show them this article or refer them to our website.

- Heather Taplin



From Interstate: BREACH OF RESIDENTIAL TENANCY ACT LEADS TO FINE

Tuesday, 02 March, 2010

Media release: Lisa Singh, MP Tasmania
Minister for Corrections and Consumer Protection

The Minister for Consumer Protection, Lisa Singh, today said that a recently imposed \$1500 fine is a timely reminder to landlords that tenants' rights should be respected.

Ms Singh was commenting on a case in the Magistrates Court in Hobart involving a breach of the Residential Tenancy Act.

A Tasmanian organisation was fined \$1500 plus costs for failing to serve a Notice to Vacate on their tenants and for failing to obtain the tenants' permission to enter their rented property.

A further charge of changing the locks to the premises without the tenants' permission was dismissed.

"Consumer Affairs and Fair Trading received information that while two tenants were absent from their rental property their possessions were removed and the locks on their premises changed," Ms Singh said.

"Investigations revealed that the tenants had not been issued with the required Notice to Vacate and that all their possessions had been taken to the tip and dumped, leaving them with nothing but the clothes they had worn to work.

"The two homeless tenants were forced to seek emergency accommodation in various hotels, as no other accommodation was available in Hobart at the time."

Ms Singh says a number of attempts were made to resolve the matter with the organisation, but were unsuccessful, resulting in prosecution.

"I urge all property owners to be aware of their responsibilities under the Residential Tenancy Act and to respect tenants' rights or face the prospect of a fine," Ms Singh said.

Ed note: Tasmania does not have a Tenancy Tribunal, however the ACT does not have a provision to fine landlords for breaching the tenancy law in this way. The TU has long urged the introduction of penalties for breaches.

TALES FROM THE TAS LINE:

Things you wouldn't dream could be true.....

ONCE THERE WAS A LITTLE DOG

A tenant specifically discussed having a dog (a terrier) prior to entering the tenancy agreement, and the two parties crossed out (and signed) a clause saying no pets.

The landlord visited to do repairs and said the dog was too big and she would have to get rid of it. She offered to agree to more inspections so he could be satisfied the dog did no damage, he refused and said he had changed his mind. She tried to find a new home for her loved pet and companion but it fell through. She was told the dog had to go, or she had to break the lease and leave, and pay compensation.

TAS was able to tell her the landlord cannot arbitrarily change her lease. The dog can stay, they can both stay.



BUT wait there is more.....

NEIGHBOURLY SPIES

A tenant receives a visit from her neighbour who tells her the real estate agent has been to the neighbour's house and asked if the tenant smokes in her house or lets her dog in the house. The agent doesn't leave it at that, they tell the neighbour they will "turf the tenant" if they find out the dog has been inside, no matter for how long or what the reason.

Our lucky tenant has a good relationship with her neighbour who promptly ran next door to tell of this alarming development and blatant breach of privacy. And we thought drive-bys and drop-ins were bad.....

Time to report the agent to the Office of Fair Trading.....



TU Update

AGM

The TU AGM took place at the end of last year. Many thanks to those members who attended. A copy of the annual report is available on the TU website under [publications](#).

Nominations were received for all positions, no votes were necessary. The new TU Management Committee is:

President:	Helen Merritt
Treasurer:	Anne Macduff
Secretary:	Genevieve Bolton
General Committee members:	Helen Sexton Shelagh Keith Peter Elford

The new Committee has already met and would like to pass on many thanks to Kathleen McCoy who decided not to renominate after 3 years on the Committee, most recently as President. Kathleen's involvement went for many years beyond the time of the committee when she assisted us as a TAS advisor. We all wish her well in the future and she is missed.

We also very recently sadly said goodbye to another Committee Member, Jill Heeley as she headed to Victoria for a new job and new home.

EVENTS

Our **International Tenants' Day 2009** event, the now annual Art Show and Competition was a success, as noted on pages 6 and 7.

We have also been running information stalls at various O-Week market days at campuses across the ACT and Contact Canberra distributing hundreds of tenancy kits, and a small amount of lollies and TAS fridge magnets.

SUBMISSIONS AND POLICY WORK

Issues we have been working on:

- National Housing policy issues through National Shelter meetings and work;
- Student housing issues such as overcrowding and unscrupulous landlords and head-tenants;
- The development of National Principles for Residential Tenancy Databases;
- Office of Rental Bonds Practice Manual;
- Real estate application forms and privacy issues; and
- A review of 12 months of ACAT.

NATO MEETING

The TU participated in a National Association of Tenants Organisations meeting in Sydney. At that meeting we discussed common issues and themes for national work such as rental housing standards, no cause evictions, unfair rent increases and student housing. We also developed a project for National Shelter on comparing tenancy legislation across the country.

PUBLICATIONS

Our Publication, "[Crowded House](#)" has been going like the proverbial hotcakes, if people would like a copy, or many copies contact our office.

As already noted we have also produced a new Tips Sheet - "[Finding Accommodation in the ACT](#)", it is available on the website.

We are soon to update the website so keep an eye on it.

TENANTS' ADVICE SERVICE

A very significant amount of our time recently has been concentrating on ensuring the advice line is covered and assisting tenants. As with other small organisations, being a staff member down for whatever reason has a significant impact on our ability to maintain our level of service.

On a very positive note we have had some good results from our solicitor representing tenants at the ACT Civil and Administrative Tribunal. This work has focused on challenging

- the practice of agents in break lease situations including:
 - demanding that tenants pay a "break lease fee" despite there being no entitlement to charge such a fee;
 - demanding payment for advertising and other costs incurred without any substantiation of costs incurred and often in excess of the maximum amount allowable, including unlawfully charging GST; as well as issues including
 - holding up a Tenants' entire bond where only a small portion is in dispute.
 - outrageous bond claims by agents.
 - an eviction of a tenant with four young children all under the age of five.
 - a proposed rental increase of \$70 a week by Housing ACT.

JOIN THE TU

SEND IN THE MEMBERSHIP FORM FROM THE BACK OF THIS NEWSLETTER



GLOBAL TENANT

The following article is sourced from the International Union of Tenants' newsletter "Global Tenant".

In this issue there are articles from New York, Brussels, France, South Africa, Croatia, New South Wales, Tasmania, Macedonia, Denmark, Norway, Poland and Sweden.

To see the full issue and/ or get a subscription go to www.iut.nu.



IN SCOTLAND

Scotland's target of eliminating homelessness by 2012 is often described as ambitious, unrealistic, progressive and unachievable. So, what's the truth of the matter?

Laws designed to improve access to housing and services to homeless households were introduced in 2001 and 2003 respectively. The Scottish Housing Act of 2001 and Homelessness Act of 2003 have combined to place legal duties on local government and housing associations to work together to tackle homelessness and help people faced with homelessness.

'Unintentionally' homeless people's right to a permanent home by 2012 is the most notably target in the 2003 Act. In a nutshell unintentionally homeless is a legal term that describes someone faced with homelessness due to factors out with their own control. On the other hand, you are considered intentional homeless if you are evicted for antisocial behaviour or you did not pay the rent or mortgage when you could have afforded to.

Homeless applications to the local councils, in 2008, amounted to 56,609 households. The biggest football stadium in Scotland wouldn't even

come close to holding this number of people. The facts are stark but Shelter Scotland points to a glimmer of light, as this is a 4.9 % reduction from previous year.

Shelter and the Scottish Federation of Housing Associations are campaigning for 30,000 socially rented houses to be built by 2012. But because of the economic recession the government does not seem to have the resources to meet this target. Still, positive impression on the Scottish housing sector has been made by the current Minister for Housing, Alex Neill. In particular Mr Neill has shown some creativity in helping put in place borrowing from the European Investment Bank for social housing in Scotland.

Tackling homelessness does not receive universal public support, with many people still believing that anyone finding themselves' homeless, only have themselves to blame.

Access to social support services is another part of the answer. Helping people face up to debt, relationship breakdown and problems associated with drug and alcohol abuse could substantially reduce the number of people who become homeless in the first place.

Will the dream become a reality? I certainly hope so, but many in the sector seem doubtful. Even if the 2012 target is not realised in full, we can realistically anticipate improved services to homeless people, better preventative measures for homelessness and an increased supply of housing.

- Jamie Ballantine,
Head of Projects for TPAS,
Scotland



MSP Cathy Peattie joined Housing workers and tenants groups in February to launch a campaign for a massive house building programme in the council and housing authority sector.



CFPT speaks up for tenants in one of Europe's most expensive cities – London!



The first suggestion of tenants' rights in English law was to prevent landowners evicting a tenant-farmer without reason while his crop was still in the ground.

Until the 20th century, people who did not own property could not vote. In the mid 1800s Christian Socialists started Building Societies – providing loans for the lower middle class to buy homes and vote for the new Labour Party.

The great majority of the British would prefer to own their home, and there remains a distrust of tenancy. But massive house price inflation fuelled by a property investment boom, as stock markets sagged, means that more people can not buy, so must rent from those who have bought housing for profit.

Camden is a large inner London borough covering from leafy Hampstead to London's West End shopping area. In between are deprived areas with a wide mix of ethnicities. All have high house prices and steep private rents. Affordable areas have been 'gentrified' – with low rent homes in multiple occupation converted back into large homes for the rich.

Camden Federation of Private Tenants, CFPT, was founded in the early 1970's into a rather different world – of rent controlled housing, mostly built in the 19th century, and in poor condition. Slumlords bought places cheap with sitting tenants and neglected repairs or illegally evicted people, then redeveloped.

Founder of CFPT, the late Carrie Harrison, decided with fellow tenants to tackle the state of their building. They knew their landlord had a substantial estate but not where it all was. So they followed the landlord's rent collector and recruited residents wherever he stopped. Carrie knew the local paralegals and when a tenant came to the Law Centre for advice CFPT would investigate the rest of a landlord's portfolio and contact his tenants.

As membership grew, CFPT pressed Camden Council to use its public health powers to improve conditions in private renting. Councillors agreed to create a local housing advice service and to fund CFPT.

My own experience of CFPT came in the mid 1990s as rent regulated tenants struggled with the results of 1988 reform by the right wing government of Margaret Thatcher. It outlawed any new regulated tenancies and encouraged the rents of existing tenants to rise by as much as 30% every two years.

Rent appeal tribunals became notorious as an avenue of appeal open only to landlords. Another formidable woman, the late Helen Holdsworth, launched a campaign of public meetings to publicise the plight of regulated tenants being attacked by a system designed to protect them.



Camden High Street

In May 1997 Britain elected a Labour government which moved to control the maximum a regulated rent could rise, taking power away from the hated appeal tribunals. This was challenged in the highest courts by landlords backed by the billionaire Duke of Westminster who controls land in the most exclusive parts of London. Government plans looked set to fail. Members of Parliament representing areas high in rented housing were pressed by tenant groups to do something. Hampstead M.P. Glenda Jackson, spoke up in Parliament, mentioning CFPT in passing. The Government agreed to appeal the High Court decision and was successful.

That rents might become less of an issue was a cue for CFPT to broaden membership beyond a core of aging regulated tenants. We placed displays of our magazine The Camden Private Tenant in local supermarkets. Recruiting young tenants wasn't easy – the present generation seem apathetic about community politics and their short tenancies mean they move frequently. We attracted some leaseholders, including corporate membership by a residents' association with 50 members. More recently we have been helping organise tenants of social housing owned by Housing Associations.



We work with Camden Council, intervening recently when we heard of cuts to the housing advice service.

We surveyed our members on how changes might work better, and had a series of meetings with elected councillors and their staff. We frequently urge Camden to act on homes left empty by developers despite an acute housing shortage.

CFPT is one of only two organisations representing private tenants in London that receives public funding. We have a tiny budget and 1.5 staff members. With the probable return of a Conservative Government at the General Election next year we are likely, as the Chinese say (and not in a good way), to be living in interesting times.

Text John McMillan, Chairman of CFPT

Photo Magnus Hammar, IUT





SOBERING STATS

The following figures are from *Market Facts*, the quarterly residential property report from the Real Estate Institute of Australia.

Data provided by *Market Facts* relates to the December 2009 quarter (October–December). None of the figures are very surprising, however they are useful in supplying a picture of rents across the country. Figures for the March 2010 quarter are not expected until May.

It must be noted that these figures are from an industry publication that views increases in housing and rental prices as a good thing.

The National Picture

Rents - Over the December quarter, rents generally increased across the country. It is interesting to compare the change in average rent against the general CPI change for the same period, it was 2.1%. On the basis of these general figures, we are yet to see any direct impacts of various governments' affordable housing measures.

Darwin maintains the highest median rent for a three bedroom house at \$570 per week, reporting no change from the previous quarter. Adelaide remains the least expensive capital city in which to rent a house or other dwelling, despite an increase of 1.7% over the quarter for three bedroom houses.

Vacancy Rates - An industry benchmark vacancy rate is considered to be a value of 3.0%. Vacancy

City	Median Weekly rent 3 b/r house (annual change)	Median Weekly rent 2 b/r unit (annual change)
Canberra	420 (6.3%)	410 (10.8%)
Sydney	370 (5.7%)	400 (0%)
Melbourne	320 (6.7%)	320 (3.2%)
Brisbane	340 (1.5%)	330 (0%)
Adelaide	300 (7.1%)	250 (4.2%)
Perth	370 (-1.3%)	350 (0%)
Hobart	330 (6.5%)	265 (3.9%)
Darwin	570 (9.6%)	410 (10.8%)

City	Vacancy rate	Annual change (%)
Canberra	1.0	-1.3
Sydney	1.3	-0.1
Melbourne	1.6	0.4
Brisbane	3.8	2.1
Adelaide	1.2	0
Perth	4.7	2.3
Hobart	2.1	0.2
Darwin	3.0	1.2

Houses City zone	Median \$/week	Change over year %	Lower quartile \$/week	Upper quartile \$/ week
Inner Central 2 b/r	445	7.2	432.50	463.80
3 b/r	465	3.3	421.30	547.50
4 b/r	450	-24.70	380	520
Inner South 2 b/r	350	n/a	345	355
3 b/r	425	3.7	400	450
4 b/r	510	5.2	468.80	595
West & North 2 b/r	350	n/a	345	350
3 b/r	400	3.9	380	420
4 b/r	480	1.1	450	550
Outer South 2 b/r	n/a	n/a	n/a	n/a
3 b/r	395	6.8	368.80	420
4 b/r	500	8.7	460	550

BE AWARE that these are not figures that should be the sole basis of a rent increase. Rent increases are regulated as to how often they can happen and what might be excessive. CHECK OUR WEBSITE OR RING TAS IF YOU GET NOTICE OF AN INCREASE

Other Dwellings City/Zone	Median \$/ week	Change over year %	Lower quartile \$/ week	Upper quartile \$/ week	
Inner Central	1 b/r	380	1.3	285	420
	2 b/r	440	4.8	390	490
	3 b/r	560	10.30	410	663
Inner South	1 b/r	260	5.1	237.50	295
	2 b/r	352.50	9.3	300	380
	3 b/r	412.50	0.6	348.80	442.50
West & North	1 b/r	320	6.7	260	360
	2 b/r	365	7.4	335	403.80
	3 b/r	430	10.3	390	450
Outer South	1 b/r	280	n/a	260	347.50
	2 b/r	400	23.10	370	460
	3 b/r	502.50	34	483.880	530

rates lower than 3.0% indicate strong demand for rental accommodation, whilst rates higher than 3.0% are generally considered to reflect an oversupply of rental accommodation. Vacancy rates give an overall and very general picture, they do not measure vacancy levels in relation to different rent levels, that is, they do not show the level of affordable dwellings.

Over the December quarter most states and territories recorded an increase in vacancy rates. Brisbane and Perth are now both above the industry benchmark rate. However there has not been corresponding drops in rents. Darwin vacancy rates reached the industry benchmark, yet it still retains the highest rents in the country, demonstrating the vagaries of vacancy rates and median rents.

The Canberra Story

Canberra maintains its unenviable position as being amongst most expensive locations in the country. There has not been a fall in rents since March 1998. The REIA claims this reflects the high median weekly family income, and therefore that such rents are affordable. The TU would argue that these figures demonstrate a severe shortage of affordable housing that has to be addressed.

The vacancy rates for rental properties in the Australian Capital Territory dropped once again, decreasing to 1.0% during the December quarter. Sadly this was traditionally the time of year when we would see the highest vacancy rates, and then expect the situation to worsen February through March.

Starting a Tenancy in the ACT

At the TU we receive many questions about how to find a place, to rent....where to look, what to expect, what can be charged, what can be asked..... What it all means

We have several useful resources already in terms of checklists, share housing booklets, however we did not have a basic Tips Sheet on this specific issue ... and now we do!

The Starting a Tenancy Tips sheet can be downloaded from our [website](#) and also available in printed form. (phone the TU office—6247 1026, and we will send you a copy, or copies).

