



# Tenant News

Newsletter of the Tenants' Union, ACT

Winter/Spring 2010

## CANBERRA "SLUMS"

It would have been hard to miss the media coverage of the ACT Government discovery of "slum" rental housing in Canberra suburbs. It is now a month later and there are still a range of outstanding issues for the ex-tenants as well as broader issues. The TU has been involved from the start and is still working through many matters. We have included the original media release from the Chief Minister as well as an update of the issues.

### **MEDIA RELEASE: ACT CHIEF MINISTER 15/07/2010 GOVERNMENT MOVES AGAINST ALLEGED SLUM LANDLORD**

The Government has moved swiftly to close down four suburban houses that had been turned into slum boarding houses occupied by more than 80 men, women, children and babies.

Chief Minister Jon Stanhope said he had been briefed today on the emergency closure of the houses and the Government had established a quick-response team to ensure that residents were helped to locate alternative accommodation.

"I am advised that the state of the four houses was absolutely disgraceful, with unsafe, overloaded electrical wiring, unapproved works, serious overcrowding and extremely unsanitary conditions," Mr Stanhope said. "This is not how we live in Australia, not how we live in Canberra, and I think

most Canberrans would agree that we do not want to see this sort of activity occurring in the nation's capital."

Government agencies including ACT Health, ACTPLA and ACT Policing inspected the four houses in Macquarie, Melba, Scullin and Ngunnawal this week and decided the houses had to be closed as a matter of urgency.

In one case, a two-bedroom house had been transformed into seven separate dwellings housing 24 men, women and children, all of whom shared a single toilet. In another instance, up to four families were living in a partitioned garage. Inspectors found large volumes of rubbish, evidence of rodent infestation and filthy and unsanitary cooking and bathroom facilities.

A Canberra man, the owner of all four houses, has been issued with formal notices and inquiries are continuing into possible breaches of health and planning laws.

"While a formal investigation of possible breaches of the law is progressing I have also ordered an urgent review of all relevant ACT laws, to determine whether we need legislation to prevent this sort of unacceptable and appalling landlord behaviour from recurring," Mr Stanhope said.

"If stronger laws are needed I will see that they are introduced and passed as soon as possible."

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Editor: Deborah Pippen

Many thanks to contributors: Heather Taplin for "Hangin' on the Line, and an Opinion piece, also to International Union of Tenants for the IUT article, and Charles Sturt University for use of their human rights cartoon ([http://www.hsc.csu.edu.au/legal\\_studies/law\\_society/human\\_rights/human\\_rights/rightsresponsib.gif](http://www.hsc.csu.edu.au/legal_studies/law_society/human_rights/human_rights/rightsresponsib.gif))

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.

## EDITORIAL

Our lead story sums up the problems with the ACT rental market, not enough affordable, safe and secure housing leads to opportunities for unscrupulous individuals to take advantage and profit from people's vulnerability.

Modifying properties, inserting walls and squeezing in as many people as possible can reap financial windfalls as seen in the properties closed down. Twenty people paying \$100 per week adds up to \$104,000, plus the utilities fees charged. Other properties we have heard of charge \$185 per week and there are 10 rooms, that is \$96,200. This is not about helping people this is about exploiting vulnerable people. While the market stays as it is, and our "Sobering Stats" show the trends are continuing, we desperately need legislation to adapt to the changing market and begin to protect people and stop these practices. Maybe there is a need for multi-tenancy dwellings, if so then it has been clearly shown it needs to be regulated.

On top of these issues we are still dealing with much more common issues associated with housing standards and affordability. It may be the official end of winter but we all know this doesn't mean the end of the need for adequate heating, months still to go of cold weather. To that end it is hoped that some of the hints in "Winter Blues" can help. "Hangin on the Line" also highlights issues for tenants in complexes.

On a positive note we have once again joined with the Department of Housing and Community Services to coordinate the annual International tenants' Day art show and exhibition. This year it is open to all ACT tenants. So, enter or tell your friends.

As we look to the rest of 2010, we do still anticipate a review of the Residential Tenancies Act. Perhaps the recent issues will create the impetus that our reports about deficiencies have not. We also look forward to the settling of some teething problems for the ACT Civil and Administrative Tribunal 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, as always we live in hope.

### 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](mailto:TUACT@bigpond.net.au) Remember to

include your contact details!

### 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 send a message to [tuact@bigpond.net.au](mailto:tuact@bigpond.net.au)



## "CANBERRA SLUMS"—THE REST OF THE STORY



*(Continued from page 1)*

### So what happened?

Housing ACT had housed four families from the properties prior to the "raids".

*Thursday 15 July*

About 110 people were evicted from 3 properties, some were given emergency accommodation. All were asked to go to the Gungahlin Community Centre the next day to organise assistance.

ACT Community Legal Centres (CLCs) were made aware of the action late on Thursday and organised being at the community centre to determine what assistance was needed.

*Friday 16 July*

About 95 people went to the community centre.

- CLC staff were only able to meet a handful of people however it was clear that there were many legal issues. People's prime concern was where they were going to live and what was happening with their belongings;
- Anyone asking government officials specifically for accommodation received it, until Monday morning, and were told to then come back to the Centre to discuss further needs;
- In the afternoon 30 more people were evicted from another house;
- There was extensive local media coverage and outrage expressed by the Canberra community;
- The TU voiced concerns about how and where such a large number of people were going to find accommodation in our tight market. It was also strongly noted that this highlighted the need for changes to our tenancy laws to protect vulnerable people.

Over the weekend about 40 individuals were accommodated by the ACT Government.

*Monday 19 July*

The number of people going to the community

centre dropped and five families started moving into Housing ACT properties. Two individuals also qualified and have accommodation guaranteed for three months.

### Then what?

The TU and StreetLaw Homeless Persons Legal Service met with senior government officials to discuss processes and concerns raised by the CLCs. It was decided that Housing ACT would SMS TU contact details to those they could reach, and the TU would assist where possible and refer to other centres if needed. Other issues were discussed including the need for the ACT Government action against the landlord, urgent law reform, and the need for additional resources for services to be able to meet the unexpected demand.

To date the TU has had contact with 18 ex-tenants. This is a very small portion of the total and the reasons for not following up can be presumed based on responses from those we spoke with. The landlord has reportedly returned the bond to many and some have found alternative accommodation. Many are unaware of any rights they have to compensation for the landlord breaching his obligations to provide and maintain the premises in a habitable condition, not to mention, privacy and quite enjoyment. Many are fearful of asserting any rights they are aware of.

All of the ex-tenants have expressed dismay that such substandard accommodation existed in Australia. They were clear that they were there because they couldn't access any other accommodation. Many of them are still seeking long term accommodation.

ACT Chief Minister, Jon Stanhope — "I'm very concerned that we send a very clear message that this sort of rapacious behaviour by unscrupulous, greedy and immoral landlords will simply not be tolerated", Canberra Times, 16/7/2010

Of the people the TU has had contact with three quarters have decided to not pursue any further action against the landlord. This means that he has not been called to account for these numerous and serious breaches. He is not out of pocket in relation to paying back rent collected on uninhabitable properties; has not faced fines for failing to lodge numerous bonds or been sent any message that his behavior is unacceptable.

The TU is waiting for a response from the Chief Minister's Office as to what steps are being taken by the Government to address this issue now it is out of the media's attention.



*Rent or Own  
it's still my home*

**INTERNATIONAL TENANTS DAY  
MONDAY 4 OCTOBER 2010**

**Annual art show and competition**



*Celebrating  
the contribution  
of Canberra's  
tenants through  
creative arts*

**Tuesday 28 September – Saturday 9 October**

Theo Notaras Multicultural Centre, Civic Square

All Canberra tenants are eligible to enter the art show competition with **great cash prizes** on offer



Enquiries: Tenants' Union ACT 6247 1026



## Calling all artists: \$500 up for grabs

Are you creative? Would you like to exhibit your art?  
Want to win \$500? Are you a tenant?

If you are you can enter the 2010 International Tenants' Day Art Show.

The theme of this year's art show is "Rent or Own – it is Still my Home".

Painting, drawing, photography and sculpture will be accepted, subject to the discretion of the organising committee.

1<sup>st</sup> prize is \$500, 2<sup>nd</sup> prize \$300 and 3<sup>rd</sup> prize \$200. There will also be a People's Choice Award.

For information: [www.tenantsact.org.au](http://www.tenantsact.org.au) or phone 6247 1026

## THOSE WINTER BLUES

By now you may have discovered you have an inappropriate and expensive heating system. However, there are things you can do to reduce heating costs without sacrificing your personal comfort by paying particular attention to:

**YOUR HOME:** Ensure your home retains the heat you put into it. Insulation, effective window coverings make a difference but may be difficult to have your landlord change, while draught-proofing is something you may be able to do.

**YOUR HEATING SYSTEM:** The way the landlord maintains your heater can influence its running costs as much as how you operate it. Learn the right methods, and you could find that your heating system costs you less to run while providing more useful heat.

**Seal out draughts** Air leaks can account for 15 – 25% of heat loss from an uninsulated home, and create uncomfortable draughts.

**Minimise the area to be heated.** Doubling the size of the heated area also doubles the heating cost! So close doors to unheated areas, or install curtains across open archways leading to other rooms (get permission).

**Use the thermostat correctly.** For every degree you increase the thermostat setting, your bill may increase by up to 15%. Set your thermostat at a reasonable temperature of 18 – 20°C for living areas.

**Don't leave your heater running on low overnight** or while you are out during the day. It is cheaper to turn the heater off while you are out or sleeping, and on again when your return or wake up in the morning. (This pattern of use is not applicable to storage type heating such as in-slab systems which have a very slow response time).

**If you have a timer or programmable thermostat set it** to turn your heater on and off automatically, say 20 – 30 minutes before rising in the morning or getting home in the evening. And of course, don't forget to turn the entire system completely off if you are going away on holidays.

**Run the heater fan on its highest setting** for best efficiency and heat distribution. Fans cost only 1 cent an hour to run.

**Make sure the landlord maintains their heater.** Keep reflectors shiny and free of dust, and clean air-filters regularly. It is also important that servicing of all heaters is done according to the manufacturer's instructions.

**Close windows and doors** in heated areas while the heater is on.

**Close drapes or blinds** when you're heating, especially at night. By leaving them open, you're wasting over \$2.00 for each square metre of glass per billing quarter! That's around \$80 per quarter for the average home.

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## COMMUNITY HOUSING STANDARDS

In June Minister for Housing, Tanya Plibersek and Community Housing Federation of Australia Executive Director, Carol Croce released the third edition of the National Community Housing Standards Manual, which outlines benchmarks for good practice in community-managed housing.

Ms Plibersek said the revised standards were the result of extensive Australia-wide consultation and were reviewed to reflect developments in the sector.

“The National Community Housing Standards Manual provides an up-to-date nationally consistent framework for community housing which addresses issues concerning good governance, tenant services and improved asset management,” Ms Plibersek said.

“Environmental sustainability has also become much more important to the public and the sector since the standards were last reviewed in 2002.”

Ms Croce said changes to existing standards around tenant participation, the complaints and appeals process, and business and financial planning will lead to a higher standard of service delivery across the sector, giving tenants better quality housing.

“Under the revised standards, tenants will be given more avenues to engage with property managers through such means as tenants’ associations, working groups and representative forums,” Ms Croce said.

The community housing sector increased by a third between 2003 and 2008.

“The standards were last reviewed in 2002, so this review was very timely given the growth in the social housing sector in recent years,” Ms Plibersek said.

Ms Plibersek said it was important to have in place a national regulatory system that protects the interests of tenants and governments and at the same time builds investor confidence in the sector.

For copies of the manual:

[http://www.chfa.com.au/Downloads/DOC%20NCHS%20Manual\\_May2010.pdf](http://www.chfa.com.au/Downloads/DOC%20NCHS%20Manual_May2010.pdf)

The Australian Government released a Community Housing Discussion Paper in April this year.

For details:

<http://www.fahcsia.gov.au/sa/housing/progserv/affordability/not-for-profit/housing/Pages/default.aspx>

**www.homesafety.act.gov.au**

**About the Home Safety Program**

The Program is designed to assist you to improve the security of your home while endeavouring to minimise other preventable risks such as fire or injury caused by falls.

**Who can access the Program?**

The Program is open to all residents of the ACT. Persons who are frail aged or who have a disability are considered a priority.

**We are a group, can somebody talk to us?**

Yes, we can organise a presentation from Police regarding Crime Prevention, Fire Brigade regarding Community Education (fire) or somebody to discuss the Home Safety Program.

**How do I contact the Home Safety Program?**

**Email:** Home Safety Program ([hsp@supportlink.com.au](mailto:hsp@supportlink.com.au))  
**Administration:** [admin@supportlink.com.au](mailto:admin@supportlink.com.au)  
**Correspondence:** PO Box 400 Calwell ACT  
**Phone:** 6103 9084  
**Fax:** 1300 656 445



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## A BETTER LEASE ON LIFE

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The Commonwealth and State and Territory Governments have committed to preventing homelessness. The Commonwealth Government, in its white paper on homelessness, "The Road Home", recognised a connection between tenancy laws and practices and the creation of homelessness. It provided funding to National Shelter to scope the issues and remedies, and the National Association of Tenancy Organisations (NATO) was contracted to undertake the work. The resulting report, "A Better Lease on Life - Improving Australian Tenancy Law", was recently presented to Federal Housing Minister, Tanya Plibersek.

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The publication aims to promote understanding of the issues faced by renters and to explore how these issues intersect with homelessness. The specific objectives of the project were:

- to identify key elements of each State and Territory's tenancy legislation including which types of tenures are protected and which are not;
- to identify critical reform actions which would impact on the quality and/or security of renters' tenure and/or mitigate homelessness; and
- to identify international good practice relevant to identified areas for reform.

A national review of residential tenancy legislation was undertaken with the purpose of identifying differences (and similarities) in the experiences of renters across the nation. This review provided an up-to-date description and comparison of protection for tenants, and highlighted areas where tenants are not protected within the housing market.

The approach drew heavily on the extensive experience of a small pool of tenant advocates across all States and Territories who are highly aware of the impacts of the legislation on the lives of tenants, and how that changes over time and under varying market conditions. To further understanding of tenancy legislation and issues, a range of tools was used to classify and compare individual State/Territory tenancy legislation and engage with experts in the field.

The report is a useful resource for individuals and organisations with an interest in tenancy issues. It provides a comparison of major aspects of tenancy law across each State and Territory of Australia, highlighting concerns of national significance expressed by tenant advocates. It also identifies which concerns, if redressed, have the potential to mitigate homelessness or alleviate a major deficiency in the quality of tenancy protections. It is recognised that tenancy law reform is obviously not the sole answer to the growing problem of homelessness in Australia. However, it has a role to play in both preventing homelessness and improving services.

The report firstly provides an overview of the context for the report including housing market conditions, issues for consumers in regard to their tenure in the rental market, impacts on low income earners and homelessness, and international reflections. It then identifies the major national issues pertaining to the intersection of tenancy law, tenant protection and homelessness, based on a comparative analysis of the main deficiencies in the current legislation for each State/Territory.

From this assessment, six topics of national significance were identified that must be considered for national reform to mitigate homelessness. The study was not able to expand on a range of tenancy law inadequacies that did not impact directly on the mitigation of homelessness or the fundamental issue of the standard of tenancy protections.

The main topics for national reform are discussed at length with regard to the deficiencies in the law and the risks these pose to tenancies:

- issues relating to and coverage of marginal groups under the principal Acts;
- evictions – 'without grounds', notice periods, rent arrears and by mortgagees and other third parties;
- social housing providers - terminations and the use of 'anti-social' behavior provisions;
- residential tenancy databases;
- lack of minimum housing standards; and
- excessive rent increases.

Specific reforms are proposed as mitigation strategies to these deficiencies with regard to their impact on homelessness or basic tenant protection. The work draws on research and practice, including some limited international research of laws and practices that may be considered appropriate and applicable to our particular housing environment.

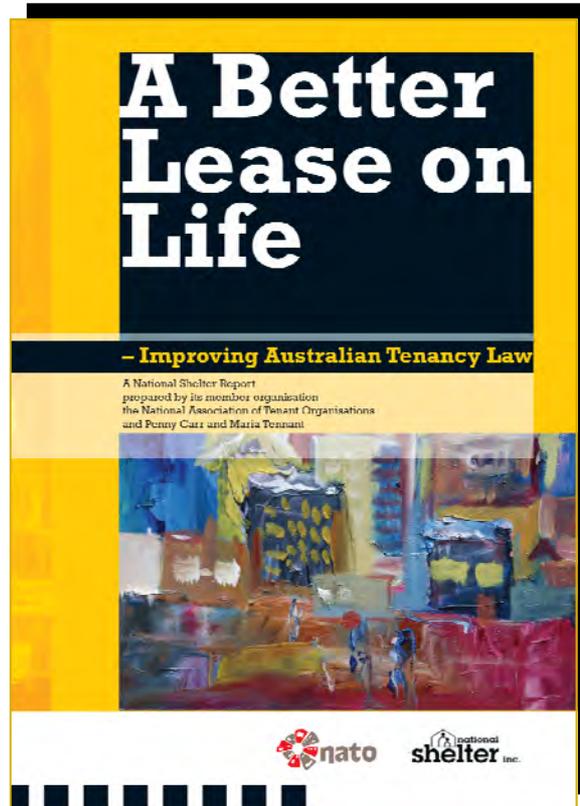
A significant amount of additional information was collected as part of the research process. The appendices include an overview of State/Territory tenancy laws and significant State/Territory issues.



There are also details of further reading in the form of reports, submissions and papers from Tenants' Unions or their equivalent across the nation, as well as additional information relevant to further consideration of the improvement of housing standards in the private rental market.

The report makes 10 recommendations relating to unreasonable evictions, opportunities for tenants to rectify rent arrears, and providing tenancy law protections, which will improve processes in the rental markets for tenants. Pivotal recommendations of the report include:

- preventing arbitrary and unreasonable evictions by removing the ability to evict tenants without any grounds;
- ensuring adequate and relative notice periods for evictions to allow tenants the chance to find alternative premises before they are evicted;
- maximising the chances for tenants to rectify rent arrears prior to eviction and restore the income stream of their landlord;
- providing tenancy law protections, relative to the tenure type, to all Australian renters; and
- providing timely access to tenancy advice and advocacy to prevent evictions.



identifying and removing some of the triggers of homelessness, and inadequate rights for tenants are definitely examples of such triggers,' Mr Pisarski said. 'If we can eliminate the situations in which tenants are taken advantage of or do not have adequate opportunities to rectify tenancy issues before eviction, we will most certainly reduce the rate in which individuals and families are forced into homelessness,' he continued.

Chris Martin from NATO said that many mainstream renters are faced with daily insecurities and the prospect of receiving unwarranted eviction notices.

'The report shows that legislation especially in relation to marginal renters like boarders and lodgers is currently patchy, and quite frankly, unsatisfactory,' Mr Martin said. 'In some jurisdictions these renters only have common law contracts and no effective legal protections against summary evictions,' he continued.

Mr Martin also said that the recommendations made in the report would be beneficial to tenants and landlords alike, and appropriate for all tenure types. "These reforms would not only protect tenants but accommodate the requirements of their properties fairly and successfully," he concluded.

An identified impediment is the fact that tenancy law is State- and Territory-based, and outside the jurisdiction of the Commonwealth Government. The report recommends that a coordinated cross-jurisdictional approach to the proposed reforms could be achieved through the established mechanisms aimed at coordination of work between State/Territory and Commonwealth Governments (such as the National Affordable Housing Agreement, the National Partnership Agreements or the Ministerial Council on Consumer Affairs).

Chairperson of National Shelter, Adrian Pisarski, said the report is an innovative and necessary platform to assist the Government's mission to halve homelessness by 2020. 'This report is about

The report is available at [www.shelter.org.au](http://www.shelter.org.au)



Cartoon—[http://www.hsc.edu.au/legal\\_studies/law\\_society/human\\_rights/human\\_rights/responsib.gif](http://www.hsc.edu.au/legal_studies/law_society/human_rights/human_rights/responsib.gif)



## 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.

### Having a repair issue in a unit or apartment?

We all know that a landlord has responsibilities to repair the property they own. However, if you live in a unit or apartment, your landlord doesn't own everything. There will be some property that is owned in common, shared between your landlord and the owners of the other apartments. Gardens, lifts, balconies, entrances, car parks and swimming pools may all be common property, shared between the different owners in an apartment block.

One owner cannot just repair this common property themselves, even if they want to. Decisions about repairs to common property have to be made by the owners corporation.

The owners corporation is made up of the owners of every apartment or unit in a complex. They set aside funds for maintenance and repairs, or they might have insurance to cover the cost.

Landlords do not have to carry out repairs to common property themselves, but they do have to require the owners corporation to carry them out. Specifically, they have to take all steps necessary to require the owners corporation to make the repairs as quickly as possible. This obligation is in clause 58 of the Standard Residential Tenancy Terms. As always, the landlord can use a real estate agent to carry out their responsibilities.

#### Is the repair issue on common property?

The first question is whether the repair issue relates to common property or not. Sometimes it will be clear. Other times, you will need to see the units plan (which your landlord will have a copy of because it will be attached to the contract for sale from when they bought the property). In some units, a garage or a porch is common property, but in other units it isn't. If the landlord claims that they are not able to carry out repairs in a certain area, or not responsible for such repairs, ask them to provide evidence that they aren't responsible, ie evidence that it is common property.

Sometimes issues with common property may cause repair issues to the premises that you're renting. For example, faulty drainage in a garden that is common

property may cause water damage to your front door. For repairs to the premises that you're renting, ie the door, the usual repair obligations apply. That is, the landlord must carry out non-urgent repairs within 4 weeks of being notified, urgent repairs as soon as necessary, and must provide and maintain the premises in a reasonable state of repair (see clauses 54, 55, 57 and 59 of the Standard Residential Tenancy Terms).

However, in this example, the faulty drainage also needs to be repaired. Since the garden is common property, the landlord's obligations under clauses 54, 55, 57 and 59 do not apply. Instead, clause 58 applies for repairs to the garden. If the cause of the water damage is unclear, it may help to get a statement in writing from a tradesperson saying where the problem lies.

*If the premises are a unit under the Unit Titles Act 2001, and the tenant's use and enjoyment of the premises reasonably requires repairs to the common property, the lessor must take all steps necessary to require the owners corporation to make the repairs as quickly as possible.*

#### Has the landlord/real estate agent taken all steps necessary?

Where repairs to common property are required, the landlord or agent needs to take all steps necessary with the owners corporation to ensure that repairs are carried out as quickly as possible. You may not be aware of what action they have taken, if any. As a starting point, you can ask the landlord to provide you with a record of all the steps they've taken to have repairs carried out, what dates they took those steps, and what response they've received. You are entitled to be given the information you need to be satisfied that the landlord has met their obligations.

#### When should repairs be carried out?

Under clause 58, the landlord should require the owners corporation to carry out repairs 'as quickly as possible'. This clause replaces the normal repair clauses under clauses 57, 59 and 60, which give different timeframes to carry out urgent repairs and non-urgent repairs. Under clause 58, there is one timeframe for all types of repairs: any repairs to common property that affect a tenant's use or enjoyment should be carried out 'as quickly as

possible'. However, the kind of repair needed may give some guidance as to whether the landlord has taken all steps necessary as quickly as possible. It should be easier for the landlord to get the owners corporation to carry out urgent repairs than non-urgent repairs.

Unfortunately, the way that an owners corporation makes decisions can introduce some delay. To call a general meeting, they first need to notify all the owners of the meeting time and place, and give them at least 14 days' notice.

**What do I have to do?**

As a tenant, you are not required to have any contact with the owners corporation directly for repair issues. The first step is always to notify the landlord or agent that repairs are needed, preferably in writing. After that, technically you can leave it up to the landlord to fulfil their obligations. However, repairs will be carried out sooner if you follow up on their progress.

In practice, it can take a long time for an owners corporation to carry out repairs to common property. In one case it took an owners corporation almost a year to carry out repairs where parts of concrete were falling off a carpark at great risk to the occupants of the apartments, and their cars. It may be worth reminding the owners corporation that they will be liable for any damage or injury that results from their failure to maintain the common property.

To contact the owners corporation, you will need the contact details of the executive committee. At the start of your tenancy, your landlord has to provide you with the articles of the owners corporation under clause 13(3) of the Standard Residential Tenancy Terms. Check whether you have these and whether the contact details for the executive committee are listed in them. If not, ask your landlord for those contact details.

You may also want to ask your landlord for a rent reduction until repairs are carried out if you are no longer getting what you paid for. Read out Tenancy Tips on Rent Increases and Reductions, which can be found in the advice pages of our website at [www.tenantsact.org.au](http://www.tenantsact.org.au).

And finally, if you can make friends with your home-owning neighbours and convince them of the need for repairs, that certainly wouldn't hurt.

**What if the owners corporation decides not to carry out repairs?**

The owners corporation has an obligation to maintain the common property under the Unit Titles Act 2001, section 51(3). "Maintenance" is defined in the definitions section of the Unit Titles Act:

*maintenance, of a building, a facility for a utility service or a utility conduit, means maintenance in good repair and working order, and includes—*

- (a) repair; and
- (b) replacement; and

- (c) renewal; and
- (d) restoration.

So, the owners corporation should carry out the repairs. If they decide not to, or take too long to make a decision, you can make an application to the ACT Civil and Administrative Tribunal against the owners corporation.

**Applying to ACAT**

It may be hard for a tenant to know whether they have a claim against the landlord, or the owners corporation, or both. Often, it will make sense to start the application for resolution of a tenancy dispute against the landlord and include the owners corporation as an extra 'Respondent'. That way, the Tribunal can decide how to deal with it.

If the Tribunal decides that your claim is against your landlord, they can make orders as normal in a tenancy dispute. If the tribunal decides that you may have a claim against the owners corporation, it can make orders at that hearing, or it can refer the dispute to the civil claims part of the Tribunal as a Unit Titles dispute. It saves time and money if the Tribunal can make the decision in the first hearing, rather than refer it. Under section 7(a) of the ACT Civil and Administrative Tribunal Act 2008, the Tribunal must ensure that its procedures are as simple, quick, inexpensive and informal as is consistent with achieving justice.

If you've ever had a problem with a neighbour, you will know how it can dominate your life. Every time you go into the backyard, or wheel out your bins, there they are! CRS talks to hundreds of people every year about their neighbourhood disputes and helps people work out how to resolve or manage their dispute.

CHAT gives you the chance to talk about your dispute with the assistance of qualified mediators to come up with strategies to resolve or manage the situation. If you are caught up in a neighbourhood dispute about trees, dogs, fences, noise, building works, parties, antisocial behaviour, gossip, give CRS a call for a CHAT.

**CHAT** Citizens Helping And Talking

For information on the next CHAT group in your local area Ph: 6162 4050

A program funded by ACT Department of Justice and Community Safety

**healthy neighbourhoods**

**Conflict Resolution Service**

- Preventing, managing and resolving neighbourhood disputes
- Information about your rights and responsibilities as a neighbour
- Contact details of agencies and organisations that can help with issues



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## 116 Tenants Saved From Slum Landlord by Government Eviction

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### Opinion Piece

Over the space of 2 days, the ACT government evicted 116 tenants from 5 houses in Canberra as they declared the houses to be uninhabitable. In one case, the landlord fit 24 people into a 2 bedroom house with only one toilet. Chief Minister Jon Stanhope says we need to send a clear message that “this sort of rapacious behaviour by unscrupulous, greedy, immoral landlords will simply not be tolerated” (Canberra Times, 16 July 2010.) It is appropriate to be angry at a landlord who put people in uninhabitable conditions for a profit. He is immoral and it is important to say so.

However, to focus too much on the personality of the landlord can disguise the other factors at play. There’s another side to this story. Exploitation is not just a question of greedy or ruthless individuals, but a question of opportunities and disincentives. Landlords like this one don’t operate in a vacuum. They operate against a background of tenancy laws where there are no penalties for this kind of behaviour and where the housing crisis makes tenants vulnerable. Afterall, there’s a reason why the government is pursuing the landlord under health and planning laws rather than tenancy laws.

It is convenient for the government to point to one unscrupulous individual, but shouldn’t we also hold the government responsible for the housing shortage that drives people into these living conditions? A person doesn’t choose to live in a garage with three other families because they want to live in squalor, or because they don’t know better. They do it because they are realistic about the choices available to them in a tight rental market with inadequate public housing. They know that their situation is unacceptable, but what they need is an alternative.

The boarding houses highlight another problem in the ACT rental market. The tenants who are forced to accept the worst conditions are those who face barriers in accessing the alternatives. The fact that a significant portion of the tenants living in these houses speak English as a second language is an indication of the racial

discrimination that operates in the ACT rental market. Tenants who can pay up to \$185 a week for share-house accommodation are not ruled out of the market by finances alone.

When unlawful discrimination is so hard to prove, certain tenants are left vulnerable to extra exploitation. Landlords like this one can profit from discrimination. They can charge a premium from people who have no other options, and this helps raise rents for the rest of us.

To state the racial heritage of the landlord, as one article did, encourages the very same racial profiling and discrimination that denied proper housing to certain sections of Canberra society. The suggestion that the landlord’s race is part of the cause is harmful not only because it is racist, but also because it serves to hide the real issues and solutions.

The media coverage also confuses the issue of who is at fault in this. The newspapers referred to “raids” carried out on the houses, as though the tenants were the problem. It may have felt like a raid to the tenants, when people started coming through their houses telling them they had to leave. But “raid” is not the right word to use for people who have done nothing wrong. If the government had gone through the landlord’s house, on the other hand, then “raid” might have been the correct word.

Representatives from the Tenants’ Union were told that all the evicted tenants were offered case management, but that only a small minority wanted it. You have to wonder why tenants who were prepared to live in uninhabitable premises and had just been evicted would reject reasonable offers of accommodation. If you offer people help and they reject it, maybe it means you’ve done all you can. But maybe it means you’re offering something which isn’t useful for them, or you aren’t explaining it well enough. Or maybe it means tenants are unwilling to trust people that have just evicted them. It seemed that at least some of the tenants expected to be able to move back into the houses, so the full extent of what was going on wasn’t adequately explained to them.

The discovery of these boarding houses offers a chance to pressure the government to deal with the underlying problems of housing supply, tenancy laws and discrimination. Let’s take that opportunity.

Heather Taplin



## From Elsewhere: 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.....

#### Compassion, what is that?

A tenant wanted some help after being charged for breaking lease when she ended tenancy after advising the landlord and agent of the suicide of her co-tenant in the house.

#### BUT wait there is more..... A little lighter.....

#### Pet Bonds

A tenant is told that they can have a cat if they pay \$2,500 pet bond.....

Not only is such a charge prohibited by the RTA but the amount by itself is ludicrous.....Time to report the agent to the Office of Fair Trading.....



And then there is...

#### Referencing Cats

An ad on allhomes :

**GREAT FAMILY HOME!**  
Great location for this family friendly home set in mature easy care gardens - no lawns to mow!  
Living areas include sunny lounge/dining rooms and separate family/meals area opening to a spacious, shady outdoor area.  
Renovated kitchen with super bench space, gas cooktop and plenty of cupboards.  
Main bedroom with ensuite, all three bedrooms have built ins.  
Ducted gas heating.  
**Owner would consider a referenced cat, sorry no dogs**

What's next? Pet databases.....



## TU Update

### EVENTS

Our planning for our **International Tenants' Day 2010** event is in full swing, as noted on page 3. The big news this year is that Housing ACT has agreed to extend the art competition eligibility to all tenants in the ACT rather than just public and community housing tenants.

So the call is going out to all tenants to enter and produce an artwork in line with the theme—"Rent or Own— It's Still My Home". Entries will be exhibited for 2 weeks at the Theo Notaras Gallery coinciding with International Tenants' Day on Monday 4 October. The event will be launched by the ACT Minister for Housing, Joy Burch on Tuesday 28 September and there is an Awards evening later in the period.

### SUBMISSIONS AND POLICY WORK

Issues we have been working on:

- unmet legal need in the ACT;
- community housing regulation;
- the need for a review of the residential Tenancies Act;
- Issues for self-funded retirees,
- student accommodation;
- energy efficiency.

### NATIONALLY

At a national level, the big news has been the completion of the national tenancy law project—"A Better Lease on Life", for details see the article.

The TU was also involved in a recent National Shelter forum on Housing Indigenous Peoples in Australia. A copy of the policy statement developed is available at:

<http://www.shelter.org.au/>

### PUBLICATIONS

We recently completed a review and update of all of our Occupancy Tips Sheets. The Updated sheets can be found on the website.

We are in the middle of revamping the website.

Our publication "Crowded House" has proved popular on campuses across the ACT. We still have bulk copies that can be distributed.

### 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 positive note we continue to have good results from our solicitor representing tenants at the ACT Civil and Administrative Tribunal. This has included:

- Assisting a tenant facing a termination and possession order to secure additional time to access public housing;
- Halving a Housing ACT rent increase;
- Settling a matter that was the basis of an appeal in relation to orders requiring a tenant to pay for water consumption where there was no separate metering device.

In the last quarter the most common issues dealt with through TAS have been:

- Repairs
- Bond disputes
- Rent increases and
- Termination by landlord
- Termination by tenant ("breaking the lease")

### JOIN THE TU

**SEND IN THE MEMBERSHIP FORM FROM THE BACK OF THIS NEWSLETTER**

*(Continued from page 4)*

**Open up curtains to north-facing windows on sunny winter days** to let in the free, natural solar energy to warm your home.

**Ceiling fans**, heat shifters or personal fans set about 2.1 m above the floor are useful ways to return heat that has risen up to a second storey, or collected at the top of ceilings, back down to floor level again. This can save over 10% of heating costs.

**Wear appropriate clothing.** Wearing warmer clothing is free, easy and will let you turn down your heater just those few degrees more. Throw an extra blanket on the bed and you can turn off your electric blanket too!

**Have an energy audit done and you will receive expert advice about exactly what you can do. Go to [www.heat.act.gov.au](http://www.heat.act.gov.au)**

**If you are having problems with inadequate or poorly maintained heating check out our advice pages on our website.**



## GLOBAL TENANT

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

*In this issue there are articles on Russia, Poland, the United Kingdom, Switzerland, Geneva, the EU and even Australia.*

*To see the full issue and/ or get a subscription go to [www.iut.nu](http://www.iut.nu).*

### From Albania

Shpresa, Albanian for "hope", is a lady that had been working as a teacher, and married to a former military officer. When I heard of them, they were both relying on social assistance as a result of the structural reforms.

As many military officers of the socialist period the family had been transferred from the capital city to another city for services. After the fall of communism they had moved back to the capital, but their Tirana-home was not available anymore. They now rented a flat in the expensive free market but they have had to move very often. The instability of their housing situation had aggravated the mental conditions of their son of 19, who has attempted to commit suicide several times. Among many, this is one of the most striking cases that have stayed on in my mind. It is one of those cases that demonstrate the tremendous impact of stressful housing conditions.

The Albanian population has undergone periods of hardships; 50 years under centralized socialist regime have left deep wounds in many Albanians. The radical changes of the 1990's together with the shock therapy and a neo-liberal approach needed to introduce the market mechanisms, aggravated the social and economic situation for many families and polarized the society

The privatization of the public housing stock between 1993 and 1994 to the sitting tenants, almost for free, fueled the market. By sub-renting, selling, mortgaging their newly acquired assets, the families started to use their resources as a way to improve their economy and housing conditions.

The barriers of free movement were eliminated and migrants started flowing into the urban areas. The laissez-faire attitude towards the private sector gave birth to the informal and unregistered housing developments, accounting now for almost 25–30 per cent of the total housing stock in Albania.

The formal and informal private housing markets have been thriving as one of the most prosperous sectors of the economy, and have increased the

total housing stock by almost 33 per cent in 15 years. But even in this

sector the consumption

is not equally distributed. The

period of transition gave many possibilities to certain groups of the population to benefit from the market development. But it could not solve the housing problems for many others. This shows that the market alone cannot ensure efficiency and fairness in distribution of the wealth.

When the social housing project started in 2007, described in the adjacent article by Prof. Sasha Tsenkova, there were many skeptic opinions, based on a presumption that "for the Albanians, owning a house is considered as their birth right, while renting is a step child". A presumption originating from the Mediterranean rural culture, but also from the need to escape from the socialist housing system. Surprisingly, the project has got the interest of those individuals that cannot have access to an alternative way, such as the interest rate subsidy program. Disabled people, elderly that cannot get a loan from the bank, young couples that have not saved enough to get a mortgage, are those that very frequently ask about the ongoing of the project. They monitor us, they push us, and they keep us under pressure. It might not be the best project ever done in social housing, but it is a start that can give hope to people like Shpresa. It is a way to challenge the myth of "small and poor countries not able to afford social housing". It is a start that will open other doors to be explored. It's an investment that has fueled the private companies in a period of crisis and has helped the local administration, where it is being implemented, to improve visibility in front of their community.

**Text** Doris Andoni,  
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[doris.andoni@mpptt.gov.al](mailto:doris.andoni@mpptt.gov.al)





## SOBERING STATS

Or this could be, tell us something we don't know.....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 March 2010 quarter (January—March). None of the figures are very surprising, however they are useful in supplying a picture of rents across the country, and the ACT. Figures for the June 2010 quarter are not expected until late September.

It must be noted that these figures are based on advertised rents and are from an industry publication that views increases in housing and rental prices as a good thing. It is also important to note that these are average figures and do not reflect the number of properties available at a certain rent.

### The National Picture

**Rents** - Over the March quarter, rents 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 0.9%, and the wage price index was 0.7%. Over 12 months the CPI increased 2.9% and the WPI 2.9%. On the basis of these general figures, it is clear that we are yet to see any direct impacts of various governments' affordable housing measures.

Darwin maintained the highest median rent for a three bedroom house at \$498 per week, while reporting a decrease over the year. Canberra had the highest for 2 bedroom units. Adelaide remains

City	Median Weekly rent 3 b/r house (annual change)	Median Weekly rent 2 b/r unit (annual change)
Canberra	430 (2.4%)	445 (14.1%)
Sydney	380 (6.5%)	410 (2.5%)
Melbourne	330 (6.5%)	340 (6.3%)
Brisbane	350 (2.9%)	350 (2.9%)
Adelaide	300 (3.4%)	260 (8.3%)
Perth	380 (2.7%)	350 (0%)
Hobart	330 (0%)	270 (3.8%)
Darwin	498 (-12.6%)	388 (2.1%)

City	Vacancy rate	Annual change (%)
Canberra	1.0	-0.5
Sydney	1.1	-0.1
Melbourne	1.5	0.1
Brisbane	3.8	1.2
Adelaide	1.3	-0.5
Perth	4.1	1.2
Hobart	2.2	1.2
Darwin	2.5	0.7

Houses City zone	Median \$/week	Change over quarter %	Change over year %	Lower quartile \$/week	Upper quartile \$/week	
Inner Central	2 b/r	415	-6.7	-1.2	400	450
	3 b/r	480	3.2	6.7	440	562
	4 b/r	650	44.4	5.7	500	800
Inner South	2 b/r	397	13.6	n/a	380	420
	3 b/r	440	3.5	4.8	415	480
	4 b/r	550	7.8	3.8	485	600
West & North	2 b/r	350	0	2.9	309.3	375
	3 b/r	410	2.5	2.5	390	440
	4 b/r	520	8.3	8.3	470	580
Outer South	2 b/r	355	n/a	n/a	337	372.5
	3 b/r	400	1.3	5.3	380	430
	4 b/r	505	1.0	9.8	470	553

**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 quarter %	Change over year %	Lower quartile \$/week	Upper quartile \$/week
Inner Central	1 b/r	400	5.3	330	450
	2 b/r	450	2.3	400	504
	3 b/r	522	-6.7	450	600
Inner South	1 b/r	295	13.5	260	320
	2 b/r	360	2.3	320	400
	3 b/r	450	9.2	410	465
West & North	1 b/r	335	4.7	250	360
	2 b/r	360	-1.4	330	410
	3 b/r	400	-7.0	380	442
Outer South	1 b/r	171	-38.9	132	255
	2 b/r	357	-10.6	340	406
	3 b/r	380	-24.4	365	410

the least expensive capital city in which to rent, despite an increase of 3.4% and 8.3% over the year.

**Vacancy Rates** - An industry benchmark vacancy rate is considered to be a value of 3.0% (ie, 3% of rental properties are vacant). 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 year states and territories varied in vacancy rates changes. Brisbane and Perth are now both above the industry benchmark rate. However there has not been corresponding drops in rents. Darwin vacancy rates nearly 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 March quarter.

**What does this mean?**

If affordable housing means paying 30% of income then ACT tenants when paying average rent of

\$430/week should be on receiving income of \$1,433 and the Canberra AWE is \$1,183. So, even people on the average wage are paying more than 30%. Combine this with a quick look at "allhomes" to see how many houses there are available at that rent and there are two properties. An affordable rent for a person on the average wage is \$355. There are 3 properties at that rent or below, out of 1,205 listings, and 36 at or below \$400.

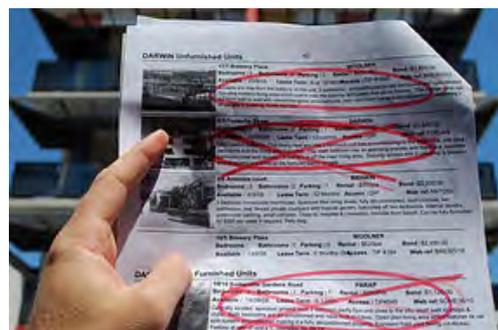
The cover story illustrates what this means:

- Our rental market is not balanced and tenants have very little bargaining power;
- It is a struggle to find affordable places to live and people are forced to accept properties that are either inappropriate or substandard or unaffordable in the long term;
- People are fearful of asserting rights because of perceptions (often incorrect) that they could be evicted and have nowhere to go;
- Unscrupulous landlords and agents take advantage of this and act unprofessionally and illegally.

**What can be done?**

In the long term, increase the supply of affordable housing and social housing to balance the market.

In the short term, improve protections in residential tenancy and other related laws to address the imbalance.



## TENANTS' UNION ACT

### JOIN NOW & STRENGTHEN THE UNION'S VOICE ON HOUSING ISSUES

Name:	
Phone:	
Address:	
Email:	
Membership:	<input type="checkbox"/> Full member (only tenants can be full members) <i>Please circle what type of tenant you are:</i> Private                      Public Com- community                  munity Other <input type="checkbox"/> Associate Member <input type="checkbox"/> Organisation
Declaration:	I agree to abide by the aims and objectives of the Tenants' Union ACT Inc.
Signature:	
Date:	

#### Annual Subscription

\$11.00 Waged \$2.20 Unwaged

\$11.00 Share house (Number of tenants: )

\$55.00 Organisation

Subscription is for a financial year and is GST inclusive.

Your application must be ratified by the TU management committee. Any inquiries can be directed to 6247 1026.

Please return your subscription and this form to  
*Tenants' Union (ACT) Inc, PO Box 8, Civic Square,  
ACT 2608.*

## The Tenants' Advice Service (TAS)

TAS is a free service for all ACT tenants. It is managed by the Tenants' Union ACT and funded by the interest earned from bonds lodged with the Office of Rental Bonds.

#### What we offer:

- Tenancy **advice** and **information** through our **advice line**
- **(6247 2011), Mon - Fri, 9:30am - 1pm** and **Tues 4.30 – 8pm**
- **Workshops** and **presentations** on tenancy issues, rights and responsibilities. Free to community groups and organisations, school groups etc. Targeted to tenants, people who will become tenants or those who work with tenants
- Leaflets and other **printed information** on common tenancy problems/issues
- Tenancy **website**:  
[www.tenantsact.org.au](http://www.tenantsact.org.au)
- Articles for newsletters, tenancy information stalls and displays

**For further information call  
6247 1026**

#### Tenancy Tips Leaflets:

- Tenancy in the ACT: a General Guide
- Finding Somewhere to Live
- Access and Privacy
- Bond
- Defending an Eviction
- Ending a Tenancy & Breaking a Lease
- Eviction in the ACT
- Making a Complaint about a Real Estate Agent
- Rent Arrears
- Rent Increases and Reductions
- Rent Increases: Formula & Figures
- Repairs
- Sale of Premises
- Tenancy Databases
- Evidence Checklist for the ACAT