

TENANT NEWS



NEWSLETTER OF THE TENANTS UNION OF VICTORIA **SPRING 2007**

a moving experience



iStockphoto

By Mark O'Brien, Chief Executive Officer, Tenants Union of Victoria

One of the most difficult times for most tenants is when they have to move house. Recently Tenants Union CEO, Mark O'Brien, found out first-hand just how hard this can be.

Although I'd had the good fortune to get along well with my agent and landlord, when my last tenancy was coming to an end in late 2006 we had no choice but to look for another place.

The trick to moving is in trying to find somewhere that you want to live, at a price you can afford, before you have to move out of the old place. While we were living in our old place rents had gone up about 25%. It took us four months to find a suitable property—just as well we hadn't been given a 60 day Notice to Vacate.

computer says 'No'

The next problem to arise was dealing with the real estate agent about the new lease. When we finally agreed on a fixed term and got our copy of the lease it came with two pages of standard conditions plus two or three pages of additional conditions, many of which were unclear or unfair (or just plain stupid!). The most ridiculous was the requirement that we notify the landlord of anything that might create a problem for his insurance. Such a condition might be fine, assuming that the landlord had insurance and that we would have any idea of what it might cover!

When I asked the agent about the additional conditions I was told that they were all required by law (WRONG). When I asked if we could remove or modify them she said that we could not. When I asked her to check with the landlord, surprisingly she rang back in 5 minutes and said 'the landlord says no too'. Hmmm, so much for negotiation and so much for the first house.

moving in...unplugged

Three months later when we finally found the right place we encountered the third problem, which was making sure that everything was connected and working on the day we moved in. To put this in perspective, this was a brand new unit that we had inspected before it was actually finished. When I tried to get the gas and power connected I discovered that we couldn't get a market contract until after we moved in, which seemed to defeat the purpose of trying to get connected beforehand.

When we did move in we found that the builder had neglected to connect the heating so we had a few cold nights while that got sorted out. We also discovered

there was no phone line between our unit and the street. Between the builder, the owner, the estate agent and Telstra this problem took about three and half months and no small number of (mobile) phone calls to get fixed.

and now for the idiot box

Just to heighten the feeling that we were living with a poltergeist, we couldn't get any TV reception. Having struggled with the gas, electricity, heating and telephone connections, we were not about to give up on the TV. So we called in an antennae man who took all of three seconds on the roof to establish that the aerial was there, the cable was there, it was just that they hadn't been connected. So basically we paid \$50 for someone to plug in a cable—a simple task I could have done myself or gee, something the person who installed the aerial could have thought of.

From beginning to end it took more than six months before we felt like we had a proper home again. This gave me a truly first-hand experience of the need for better regulation of residential tenancies and of the real estate agents who 'look after' them.

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ISSN 0312-987X

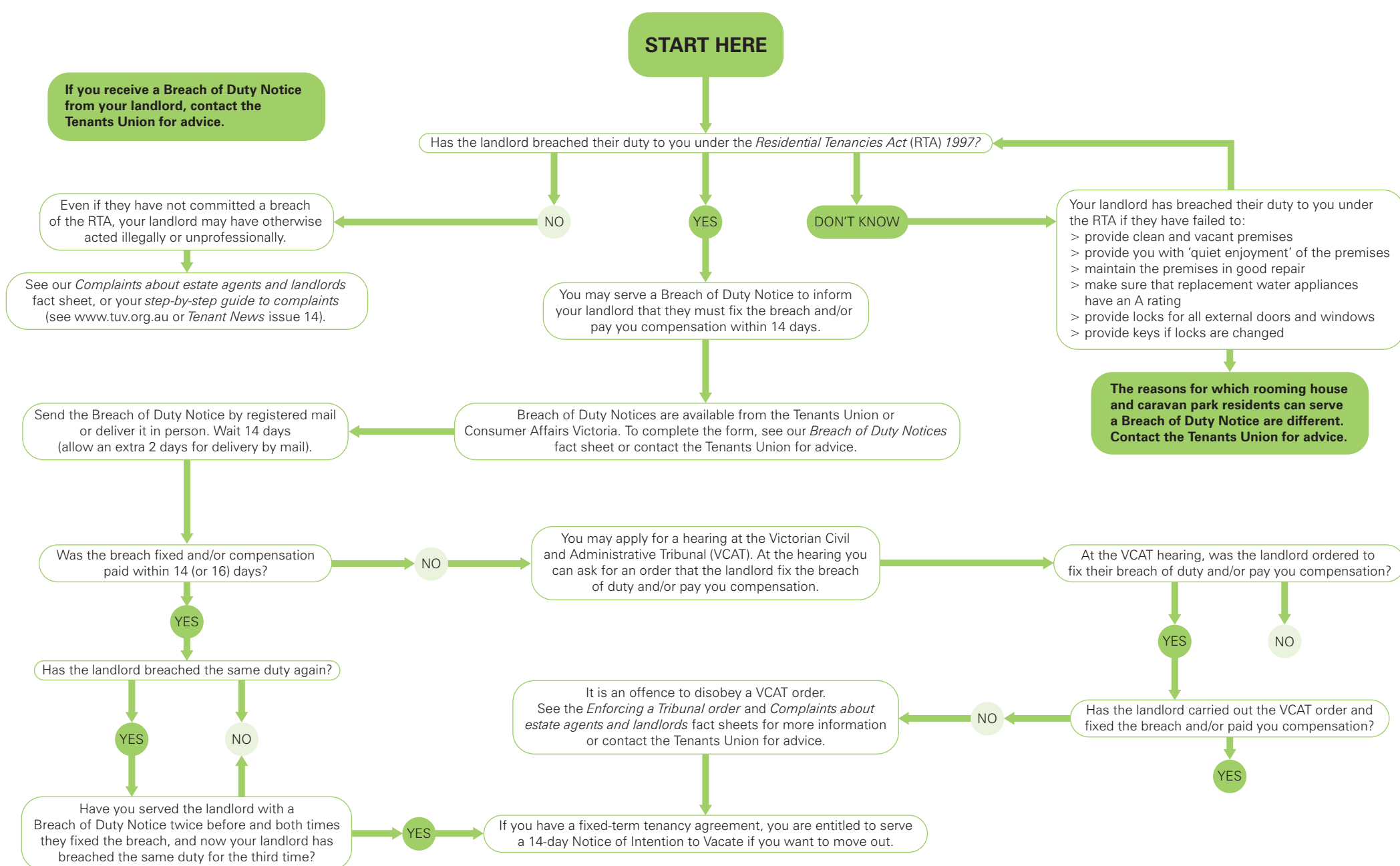
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The Tenants Union would like to thank the people who contributed to this issue.

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your step-by-step guide to 'breach of duty'



faqs

The Tenants Union's Legal Service answers frequently asked questions (faqs) by tenants in Victoria

Question: Our landlord is selling and has given us a 60-day Notice to Vacate. We're worried that we won't be able to find another place. Do we really have to move out?

Answer: When the landlord is selling, they can give you a 60-day Notice to Vacate if you don't have a fixed-term lease, or if the end date given on the Notice to Vacate is the same as the last day of your fixed term.

You can ask the landlord to give you more time but they are not obliged to do so. However, this doesn't necessarily mean that you have to

move out within the 60 days. If the landlord wants to have you evicted, they must apply to the Victorian Civil and Administrative Tribunal (VCAT) after the 60 days have passed. VCAT will schedule a hearing and send both you and the landlord a notice of the hearing date. At the hearing, the landlord will ask for a Possession Order so they can get a Warrant of Possession, which gives the police the power to evict you. Usually, the police have to act on the warrant within 14 days, which means you might have an extra 2 weeks, but they can evict you on the first day.

Because this process can take several weeks, it can be used to gain some extra time. Be aware however that it may get you listed on a tenancy database, which can affect your ability to rent through an agent. For more information see our *Notices to Vacate* and *Eviction* fact sheets.

The above information is of a general nature only. For specific advice about your tenancy problem please phone the Tenants Union Advice Line on ☎ 9416 2577 or email your question to advice@tuv.org.au

Between 1 July 2007 and 30 September 2007, there were 36,328 hits on our website.

The top 5 fact sheets to be downloaded were:

- 1 breaking a lease (1576)
- 2 repairs (1174)
- 3 rent increases (1076)
- 4 the landlord is selling (876)
- 5 ending a tenancy (871)

Visit our website at www.tuv.org.au

the top 5

top 10 tips for house hunters

- 1 Be prepared to look far and wide for your next place. Rents are climbing quickly and you may have to move further out or downsize if you want to stay in the same area.
- 2 To monitor rents in a particular suburb, check the Rental Report on the Office of Housing website. It shows the median rent for all suburbs in Melbourne and a few other areas. Just Google 'rental report'.
- 3 As well as checking the listings provided by real estate agents, look for 'properties to let' in the local and major papers so you don't miss out on properties being advertised by private landlords.
- 4 Wake up early and get cracking on a Saturday morning but be prepared to attend inspections at any time of the day or evening.
- 5 Ask when the last person moved out (and why) as this may give you a clue about connection fees and any other hidden nasties.
- 6 Be clear about the length of lease that suits you. Tell the real estate agent or landlord if you want a longer or shorter lease...after you get approved.
- 7 Remember that you don't have to disclose co-tenants, pets, visiting relatives, living arrangements or any other personal information that is not directly related to applying for a rental property. However, you should be aware that withholding information may affect your chances.
- 8 Make sure you read the lease before you sign it and get advice from the Tenants Union if you have concerns about any of the conditions. In reality, many non-standard conditions cannot be enforced.
- 9 Make sure you get confirmation from the real estate agent that all the power points, aerals, telephone connections etc are actually working.
- 10 Get as much information from the real estate agent or landlord that you can, but never take for granted anything the real estate agent tells you!

tenant tales

the good...

A tenant renting a self-contained bungalow was injured in a tram accident on the way to work. When her work colleagues sent flowers to her home address, they were delivered to the landlords who live in the house at the front of the property. Knowing that the tenant was at work for the day, the landlords kindly put the flowers in vase of water and left them at the door to the bungalow.

the bad...

A rural tenant told the landlord that every time she used the washing machine, dirty water would rise in the shower and flood the bathroom. The landlord promised to look into it. Shortly afterwards, the tenant opened the bathroom cupboard and was confronted with a large rat busily building a nest out of wall insulation. The tenant and her boyfriend dealt with the rat and informed the landlord. The landlord, a plumber by trade, set to work outside the bathroom window and proceeded to drain the septic tank directly onto the garden. He told the tenant that when he had installed the plumbing many years ago, he'd fed all the drains including the toilet into the septic tank and had forgotten that it needed to be emptied regularly. Realising that the rat had been a sewer rat, and that the water that had been flooding the bathroom was the same filth that was now flowing into the garden, the tenant gave notice and moved out.

and the ugly!

A landlord fitted a hidden camera in a tenant's shower to spy on women celebrating a hen's weekend, the Frankston Magistrates' Court heard. While showering, one of the guests had noticed the camera in a ceiling vent and the tenant called the police. The police followed the wires to the landlord's unit next door. He'd been watching and taping the women and was also found with a digital camera containing photos of schoolgirls and a CD-Rom of child pornography. The landlord was found guilty of a number of offences and jailed for three months. He was also given a court order to remain on the sex offender's register for eight years, and to serve an 18-month community-based order after release. *Source: Herald Sun* 14 December 2006.

celebrity tenant



Spencer McLaren, Actor

Best known for his work as Richie on 'The Secret Life of Us', Spencer is starring in 'Fully Committed' at the Athenaeum theatre.

How would you describe your place?

A funky little house with crooked walls. But a great summer pad.

Who would you most like to live with and why?

I like living alone mostly as I can do what I like when I like – ah sweet freedom!

What's your most outrageous share house/house hunting experience?

I lived with a friend once who would party a bit too much and I came home one day to find him passed out naked on the couch. Hmmm interesting.

Finish this sentence: 'My worst experience with a real estate agent is...'

every time I pick up the phone!

Many landlords take a DIY approach to repairs. What's the dodgiest repair job you've ever seen?

After we had a hot water system leak all over the power points my landlord said just give it an hour then turn the power back on. It'll be fine!

What have you got in the fridge?

Eggs, coffee, eye fillet, milk, jam, pickles. Not quite sure what they taste like together...

John Birmingham's housemate died with a falafel in his hand.

What will you die with in your hand?

Probably the remote—love my DVDs.

What do you never leave home without?

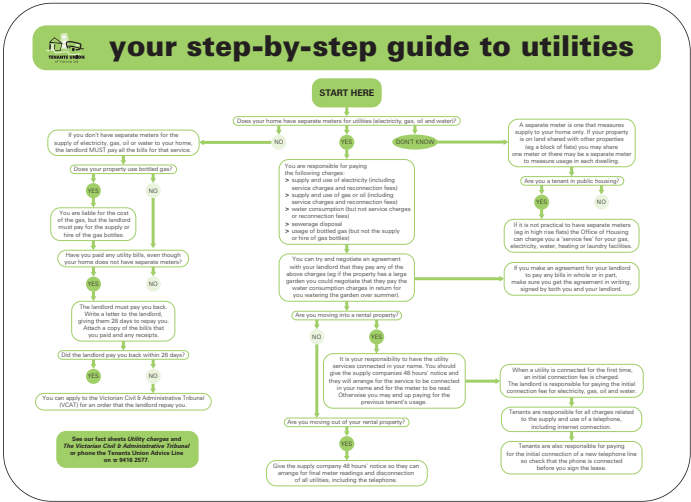
Laptop—the essential tool for the modern person!

tenants union flowcharts

If you like our step-by-step flowcharts on solving tenancy problems, you can find all the previous step-by-step guides on our website.

We have a step-by-step guide to many tenancy topics including:

- > avoiding eviction for rent arrears
- > bond recovery
- > claiming compensation
- > complaints
- > defending a compensation claim
- > ending a tenancy
- > Notices to Vacate
- > rent increases
- > repairs
- > rights of entry
- > starting a tenancy (part 1)
- > starting a tenancy (part 2)
- > the Tribunal
- > utilities
- > when the landlord is selling



We've also added your *step-by-step guide to 'breach of duty'* from this issue of Tenant News. To view all our flowcharts, visit www.tuv.org.au>publications>Advice Guides and click on the title/s of your choice. Or alternatively, visit the Tenant News section of our website.

it's try before you buy at Oslo Ikea

Oslo, Norway: so-called lucky customers were given the chance to bed down for the night in Oslo's 'Ikea Hostel', created for one week only in the stores' bedroom showrooms.

The home furnishings retailer selected 150 guests from more than 1200 applications for a free sleepover on Ikea display beds.

Guests were ushered to their beds by a bellboy complete with maroon uniform and polished buttons, where they were met by chambermaids in black skirts and frilly white aprons offering to make up their beds.

Despite mellow music being wafted across the showrooms, guests including a sleepy five-year-old and his mother were kept awake until the last customers left at the closing time of 11.00pm.

The Ikea cafeteria provided free dinner and breakfast from the regular menu. On leaving, guests were invited to take home their bed sheets, bathrobes, slippers and sleeping mask featuring the Ikea logo.

Twenty-year-old electronics salesman Magnus Furoy seemed to sum up the motivation for most of the participants when he explained why he and his girlfriend had decided to apply. 'We read about it on the internet and applied for fun,' he said.

Source: Reuters 2007

your guide at a glance: rent increases

Received a notice of rent increase?

A rent increase notice is invalid if it doesn't include all of the following information:

- > the address of the rented property
- > the amount of the rent increase
- > the date that the rent increase comes into effect (minimum of 60 days plus an extra 2 business days if the notice is delivered by mail)
- > that you have 30 days to apply for an inspection by Consumer Affairs Victoria if you think that the increase is unreasonable
- > that it is a notice of rent increase

If you receive notice of a rent increase and you're not sure whether it is valid, contact the Tenants Union for advice. For more information see the *Rent increases* fact sheet or *Your step-by-step guide to rent increases* flowchart.

tenancy tips

tip> A landlord or agent cannot arbitrarily change the terms of an existing tenancy agreement, unless you agree to it. For example, if your tenancy agreement states that you will pay rent by BPAY, they cannot insist that you switch to a rent payment card. Similarly, if for example your tenancy agreement states that you pay rent monthly, the landlord or agent cannot insist that you pay rent fortnightly.

tip> In a move that is welcome but long overdue, on 20 September 2007 the Senate passed a decision to extend Rent Assistance to Austudy recipients.

tip> If your landlord gives you a (valid) rent increase that doesn't coincide with your rent cycle, there is a way to work out what your rent payments should be. For example, let's say you currently pay \$1000 rent on the 1st of each month and you receive a rent increase of \$80 pcm (per calendar month) starting on the 12th of December. Your new rent will be \$1080 pcm from the 1st of January. However the amount of rent due on the 1st of December will be less than this, because the first 11 days of December are still covered by the old amount.

Start by working out your daily rent, which is rent pcm x 12 ÷ 365. At the old rate of \$1000 pcm, this is \$1000 x 12 ÷ 365 = \$32.88 per day. At the new rate of \$1080 pcm, this is \$1080 x 12 ÷ 365 = \$35.51 per day.

In our example, the first 11 days are based on the old rate of \$32.88 and the remaining 20 days are based on the new rate of \$35.51 per day. To work out the amount of rent due on the 1st of December, calculate 11 x \$32.88 and 20 x \$35.51 and add the two sums together: \$361.88 + \$710.20 = \$1072.08.

tip> If your landlord has applied the Victorian Civil and Administrative Tribunal (the Tribunal) and you receive a Notice of Hearing, contact the Tenants Union as soon as possible for advice. We can help you prepare for the Tribunal hearing and defend yourself against the landlord's claim. We cannot overstate how important it is that you go to the Tribunal hearing—if you're not there, you can't defend yourself and the landlord is likely to succeed in whatever claim/s they are making against you.

For advice on your tenancy problem, send us an email, phone our advice line or drop in to the Tenants Union office.

drop-in advice hours

	Mon	Tues	Wed	Thurs	Fri
9.00am–4.30pm	✓	✓		✓	✓
1.00pm–8.00pm			✓		

The Tenants Union drop-in advice service is at 55 Johnston Street Fitzroy (Melway ref 2C A7)



the rent report

median weekly rents and vacancy rates by capital city, June quarter 2007

Capital city	Weekly rent 3 br house	Weekly rent 2 br dwelling	*Vacancy rate (all rental dwellings)
Melbourne	\$250	\$260	1.4%
Sydney	\$280	\$330	1.4%
Brisbane	\$290	\$280	1.5%
Adelaide	\$250	\$200	1.3%
Perth	\$300	\$280	2.1%
Canberra	\$350	\$330	2.4%
Hobart	\$270	\$210	2.3%
Darwin	\$395	\$300	1.2%

* The average vacancy rate over the 20 years to June 2007 was 3.7%.
Source: *Real Estate Market Facts* June Quarter 2007.

telephone advice hours

☎ 9416 2577

	Mon	Tues	Wed	Thurs	Fri
9.00am–4.00pm	✓	✓		✓	✓
1.00pm–8.00pm			✓		

raise the roof

Raise the roof is the official radio show for residential tenants in Victoria. Every fourth Wednesday from 6pm–6.30pm, our experts discuss tenancy news, legal issues and policy updates, and bring you special guests and laid-back tunes. Tune in on 7 November, 5 December and 2 January on Radio 3CR (855 AM). To be a guest or give us your feedback phone Rebecca ☎ 9411 1444.



Tenants Union of Victoria membership form

Members receive a free copy of the *Tenant's Handbook* and a subscription to *Tenant News*. This form is for individual tenants only (owners/organisations must contact the Tenants Union for a full membership form).

Name
Postal address
Postcode Phone ()

Membership fees – Please tick the appropriate box. All fees include GST.

Associate membership*	1 year	3 years
Unwaged	<input type="checkbox"/> \$5	<input type="checkbox"/> \$10
Low wage	<input type="checkbox"/> \$10	<input type="checkbox"/> \$20
Higher wage	<input type="checkbox"/> \$15	<input type="checkbox"/> \$30

*If you want to become a full member, the Tenants Union Board must approve your membership. Associate members receive the same benefits as full members for the same fee but are not entitled to vote at Annual General Meetings.

Signed Date / /

Please return this form with your cheque or money order to
Tenants Union of Victoria PO Box 234 Fitzroy 3065

Tenant News mailing list/change of address

You may have received your copy of *Tenant News* after calling our telephone advice line. Please note that callers' details do not go onto the *Tenant News* mailing list so if you would like to receive future issues you will need to sign up.

If you'd like to add your name to the *Tenant News* mailing list, or if you've changed your address, please complete your details and return this form to Tenants Union of Victoria PO Box 234 Fitzroy 3065. You can also phone ☎ 9411 1444, fax 9416 0513 or email us at tenantnews@tuv.org.au

If you'd like to become a Tenants Union member, please return this form together with the membership form on the left.

Name (optional)
Current address Postcode
Previous address (if you have moved) Postcode

Tenant News is available online at
www.tuv.org.au