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News from the Tenants' Union of Tasmania

In this issue:

- TUT Updates
- New Minimum Standards in the Tenancy Act – What and When
- Tenant's Union Funding secured
- Training Update
- Straight Down the Line - Tenant's Questions from our Advice Line
 - A – Heating
 - B – Repairs and Maintenance
 - C – Access and Privacy
- The Other Side of the Coin – Advice to Landlords
- Tenancy News from other Places

TUT Updates

The past few months since our last *Rant* have, as always, been busy. We have been working with politicians and other interest groups to finalise the introduction of Minimum Standards into the Residential Tenancy Act. We have also been successful with a new round of funding applications, to ensure our ability to continue working on behalf of Tasmanian tenants.

Around the office, we would like to thank Julia Ely for looking after the Communications role since the departure of Phil Hoffen. We extend our heart

felt congratulates to our Solicitor Ben and his partner Julia, on the birth of their precious twin girls. Ben enjoyed a month of paternity leave but is now back on deck.

We would like to welcome back Rebecca Taylor our Training & Development Officer, who rejoined the team in October, she is currently developing new training packages for both online and face to face – but more about that later in the *Rant*.

With the introduction of the new minimum standards and the phasing in of other changes to the *Act* which will take effect in October 2015, we have undertaken the task of updating all information in our fact sheets, on the website and in the Don't Panic brochure. This lengthy process was completed in October and the latest version of Don't Panic will be in print soon.

The advice line has been extremely busy, averaging over 175 calls per month and drop ins keep the team busy every Tuesday, Wednesday and Thursday. Our website averages over 2000 unique page views every month, with thousands of downloads of fact sheets.

The team here is very proud to provide such a vital and well utilised service to tenants in Tasmania.

NEW! Minimum Standards - Residential Tenancy Act 1997

Many people have been surprised that the provision of running water, a toilet and even electricity were not already a requirement, by law, in a rental property. Even more surprisingly, Tasmania is the first state/territory to commit these minimum standards into their Tenancy Act and we are very proud of our part in leading the way for tenant's rights in Australia.

After much lobbying by industry groups, including the Tenants' Union, on 4 August 2015, Minimum Standards for rental properties were enacted into law. Although the standards will be phased in over time, this is still a great win for Tasmanian renters.

What and When

Minimum Standards have now been specified and will be phased in over the next three years. Minimum Standards regulate general conditions and amenities required for residential rental properties in Tasmania.

It is important to note the effective dates of the new Minimum Standards. Effective dates are influenced by the date a lease was signed, with leases signed prior to 1 August 2015, when the Act was enacted, providing landlords with a longer period to make required changes to their properties. Please contact the Tenant's Union if there are specific questions about these dates.

The Act states that: *an owner must not enter into, extend or renew a residential tenancy agreement unless the premise meets the following minimum standards:*

Current Requirements

- **Locks** – have security devices necessary to keep the premises secure
- **Smoke Alarms** – have sufficient, properly fitted, functioning smoke alarms
- **Clean:** are clear of dirt, mould, removable stains and unwanted matter.
 - During the tenancy this is the tenant's responsibility
- **In Good Repair:** has no defects, fit to live in, reasonably secure and in compliance with health and safety laws.

For tenancies entered before 31 July 2015, landlords have until 1 August 2018 to comply and for new or renewed tenancies entered from 1 August 2015 landlords have until 1 August 2016 to comply with the following:

GENERAL CONDITION: A premise must be

- **Weatherproof and structurally sound:** are in good repair, not significantly damp and not liable to collapse or otherwise be defective
- **In Good Repair**
 - **At the Beginning of a Tenancy (non structural):** has no defects, is fit to live in, reasonably secure and in compliance with health and safety laws.
 - **During a Tenancy:** this adds the responsibility to the owner to remedy items which may no longer be in good repair – due to their length of use. As an example, it is reasonable that after 10+ years some carpets cease to be in good repair and an owner has to take steps to replace them.

REQUIRED AMENITIES: A premise must contain or have

- **Bathroom:** a private room that comprises a washbasin, a shower, bath or both, all connected to a reasonable supply of hot and cold running water
- **Toilet:** a functioning, flushable toilet, which is properly connected to a sewer or septic system, and is located in a suitable, ventilated room
- **Cooking Facilities:** a separate kitchen or kitchen area with a functioning sink, stovetop and oven. The stovetop must have at least two hotplates in a premise of up to 2 bedrooms and 3 hotplates in a premise of 3 or more bedrooms. The oven can be a conventional oven, a convection oven, a microwave or a combination of any such ovens.
- **Electricity:** a connection to a mains electricity supply or other device capable of providing sufficient power. All power points and wires of the electrical system must be safe and, unless noted in the condition report, functioning.
- **Lights:** adequate lighting in every room, except in a storage area or garage.
- **Heating:** in the main living area, a fixed electric or gas heater or heat pump. Please note, the Residential Tenancy Commissioner must approve the use of an open fireplace, as a main heating source.
- **Window Covering:** each window in a room, that is likely to be used as a bedroom or living area, covered by curtains or blinds for the purpose of protecting tenants' privacy.
- **Ventilation:** adequate ventilation provided to each room.



Tenants' Union 2015/16 Secured

We have had our 2015/16 major funding from the Solicitors Guarantee Fund and minor funding from the State confirmed for this financial year. This funding will enable us to continue providing support to Tasmanian tenants through our phone advice line, face to face advice and dedicated assistance for more complicated issues including court appearance.

Training Update

From our Training & Development Officer – Bec Taylor

I'm back! And I'm ready and raring to go. It's an exciting few months coming up for Community Legal Education here at the Tenant's Union with CLE sessions scheduled for Launceston, Devonport and Burnie during October and November. I am excited to be getting back involved with the re-settlement program at CatholiCare, teaching the ins and outs of tenancy to refugees joining us here in Tasmania.

Another key part of my role is growing and expanding our Volunteer program, providing an invaluable opportunity for Legal students and Law Graduates to gain first hand working knowledge of Tenancy law and working in a Community Law setting. We are looking forward to expanding our current program to increase the skill development opportunities available. I have also been busy updating our Online Training Program to ensure it reflects the most recent Legislative changes.

I am always interested in opportunities to bring my CLE program to new places and people, please direct any enquires to Rebecca_taylor@clc.net.au or call the office.

Straight Down the Line!

Tenant's Q&A from our Advice Line

My apartment was really cold over winter. Can I make the landlord supply better heating?

Prior to the new Minimum Standards, heating was not actually required by law. For all new/renewed leases Minimum Standards in the *Act* requires the following (by August 2016): in the main living area, a fixed electric or gas heater or heat pump. Please note, the Residential Tenancy Commissioner must approve the use of an open fireplace, as a main heating source.



When you are considering a new property, we highly recommend having a close look at the type of heating and assess how the warmth will flow to the rest of the home. Ask questions about insulation and check if the windows are double glazed. Remember that cheaper rent may not be cheaper if you have to

spend a fortune in electricity charges to stay warm.

We do advise, that even with the minimum standards, if you rent a large home or a multi level home, the minimum standard of one heating source may not be enough for your comfort. Please consider your personal comfort and heating needs before signing the lease!

My apartment desperately needs some repairs, I keep telling the agent but nothing gets done. Can I stop paying rent until they do something?



Please don't stop paying your rent, that will put YOU in breach of the lease and you could be served with an Notice to Vacate (eviction notice).

The *Act* provides very specific time frames for Emergency, Urgent and General repairs to be completed. In the case of Emergency or Urgent repairs it is usually 24 hours, and 28 days to effect General repairs. There also systems to require a landlord to undertake repairs. For specific information - [See our Repairs & Maintenance Fact Sheet.](#)

I rent from a private landlord, and they keep 'popping in' to check how things are going. Now they want to mow the lawn every fortnight, which I am happy doing. It makes me really uncomfortable never knowing when they'll show up. What are my rights?



The *Act* provides every tenant with the right to 'quiet enjoyment' of their home. In most cases, a landlord/agent can only access your home to inspect every 3 months, and they must provide you with a minimum of 24 hours written notice before entering the property, including your yard.

Note: there are a range of circumstances such as emergencies or lease breaches where a landlord can enter without notice. [See our Fact Sheet on Access & Privacy.](#)

The Other Side of the Coin - Advice for Landlords

The top three words in buying a home have been highlighted as Location, Location, Location. We think that the top three words in renting a home should probably be Communication, Communication, Communication.

It was interesting to read advice on [what makes a good landlord](#) on a

realestate.com blog. Top of ‘The good landlord checklist’ of 9 items was:

Communication: A good landlord is a good communicator, who will typically use a real estate or leasing agent as a middle-man. They’ll be fast to answer questions, quick to act when emergency maintenance is required, and easy to deal with.

Documentation: A good landlord asks tenants to sign a proper lease and documents any extras in writing. If it’s not in writing it (usually) can’t be enforced, so documentation is important in making sure everyone is on the same page.

We couldn’t agree more, realestate.com blog, we couldn’t agree more!

Tenancy News from around the World

Countries around the world have agencies and organisations to support the rights of tenants and here are a few news stories from our fellow battlers for tenants’ rights.

Stories condensed from Global Tenant – the International Union of Tenants Quarterly Magazine, September 2015 Edition.

SWITZERLAND, ASLOCA Association Suisse des Locataires:

In larger cities in Switzerland, the vacancy rate is incredibly low, less than 1%. For a functioning house market, there should be a vacancy rate of at least 1.5% - 2%. Due to the lack of rental properties more people are compelled to live far from the workplaces in other cities or even in neighbouring countries, France and Germany.

ASLOCA is launching an initiative for more affordable housing, the proposal is to make an amendment to the federal constitution to force municipalities to build more affordable housing with 10% of new residential buildings consisting of affordable rental housing. They are proposing that undeveloped land belonging to private companies, individuals, public or former public entities like the railways or the army should be granted for the purpose.

PARIS, CNL – Confederation Nationale du Lodgement:

Rent control will be applied on new and renewed leases in Paris, France from August 1, 2015. However the French tenant union CNL has concerns that the new controls will not do much to create true change.

The system is based on already over valued prices such as 600 Euros per

month (A\$930) for a one room apartment. Extra rent can also be charged for 'particular qualities' which are not defined by law. Rents have increased by 50% over the last ten years and the new system will not apply to existing leases. CNL feels that better social housing is the answer and have launched the "Resolution for another policy on social housing". They feel that, in part, the government has forgotten that housing is primarily a human right.

Tenancy Rates in Tasmania

2015 vacancy rates in Tasmania have remained quite low, creating some difficulty in finding new housing. The figures below are from January to September of 2015.

Central Hobart	1-2%
West Hobart	.6%
East Hobart	1%
Launceston	4%
Burnie	2-3%
East Coast	1-2%
West Coast	6%

Tenants' Union Services

TELEPHONE ADVICE LINE

Monday to Friday*

9.30am to 4pm

1300 652 641

6223 2641

FACE-TO-FACE SERVICE

Hobart

166 Macquarie St

Tuesday, Wednesday, Thursday*

9.30am to 12.30pm



Launceston

By appointment

Call 1300 652 641



Devonport

By appointment

Call 1300 652 641



**except public holidays.*

ONLINE

www.tutas.org.au

The information in this newsletter is not legal advice. For information regarding a specific tenancy problem, please phone the Tenants' Union on (03) 6223 2641 or 1300 652 641. The Tenants' Union of Tasmania Inc accepts no responsibility for actions based on this information, nor for actions based on electronic translations of this.

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