

NATIONAL RENTAL INQUIRY SUBMISSION

- 1. What is your preferred model for ending fixed term leases and why?**
 - The Queensland model. We believe the landlord SHOULD have the option of issuing notice 90 days no grounds.
- 2. Are there any other specific situations where a landlord should be able to end a lease?**

Owner shouldn't have to give a reason, by removing the 90 day no grounds option there will be an increase in Tribunal cases causing more delays, congestion and costs to government. This will also lead to Tribunal cost to landlords

The removal of this option will impact those landlords who need to end a tenancy for reasons such as:

20 years lapse of agreement (long term lease)

If there are Cleanliness issues or health hazards that need to be addressed

Tenants refuse to sign a Fixed term agreement and Insurances are only applicable to tenancies in current leases
- 3. What would be an appropriate notice period for the five proposed reasons (and for any other reasons you have suggested)? Why is it reasonable?**
 - Prepare for sale – 30 days
 - Will go through construction/renovations/repairs – 30 days
 - Change of house use (house/office) – 30 days
 - Demolished – 30 days
 - Landlord moving into property – 30 days
- 4. What reasons should require evidence from the landlord? What should the evidence be?**
 - Contract of Sale/Signed Agency Agreement
 - Council approval/Quotes/Paid invoices/or Affidavit from landlord
- 5. Should any reasons have a temporary ban on renting again after using them? If so, which ones and how long should the ban be?**

No ban should exist.

A temporary ban will just encourage private landlord movement, how will this be policed?
- 6. Is 21 days the right amount of time for a landlord to consider a request to keep a pet? If not, should the landlord have more or less time?**
 - Assuming this is for a tenant currently in a premises - 21 days is fine.
- 7. What are valid reasons why a landlord should be able to refuse a pet without going to the Tribunal? Why?**
 - Medical reasons – would need proof ie Doctors declaration
 - Landlord insurance cover prohibits pets
 - Size, type and number of pets to property (ie limited to maximum number)

If there are no valid reasons to refuse a pet included in the legislation there will be a definite increase in Tribunal cases – once again causing congestion and stress on government resources.
- 8. Should the Tribunal be able to allow a landlord to refuse the keeping of animals at a specific rental property on an ongoing basis? Please explain.**
 - Yes

9. What other conditions could a landlord reasonably set for keeping a pet in the property?

What conditions should not be allowed?

Landlords should have the right to limit pets based on Size/Type/Breed/Number. We recently had a tenant illegally keeping upward of 20 cats – this is unreasonable on a suburban property. Having 5 German Shepherds in a Unit is unreasonable.

10. Do you support limiting the information that applicants can be asked for in a tenancy application? Why/why not?

- Within reason, as long as the agent can complete their jobs diligently with the information they need as part of their professional obligations and duty of care.

11. Do you have any concerns with landlords or agents only being able to collect the information set out in the table above to assess a tenancy application? Please explain.

Landlord needs to be able to stipulate which of the proposed documents they require within the guidelines. Discretion needed to request more documents if required to do due diligence.

12. Do you support the use of a standard tenancy application form that limits the information that can be collected?

- No

13. Do you think that limiting the information that may be collected from rental applicants will help reduce discrimination in the application process?

- No

14. Do you support new laws that set out how landlords and agents can use and disclose renters' personal information? Why/why not?

- Yes

15. What should applicants be told about how their information will be used before they submit a tenancy application? Why?

- Tenants should be advised on how the information is going to be used before they submit an application and Application Programs have an option for them to acknowledge this.

16. Do you support new laws to require anyone holding renter personal information to secure it? Why/why not?

- Yes, everyone's information should be protected

17. How long should landlords, agents or proptechs be able to keep renters' personal information? Please explain.

- Agree with requirement for unsuccessful applicants information to be destroyed within 30 days after lease entered into and for successful applicants, three years after end of tenancy.

18. Do you support requiring landlords, agents or proptechs to:
(a) give rental applicants access to their personal information
(b) correct rental applicants' personal information
Please explain your concerns (if any).

- Yes to both a and b. Not to any internal notes that the agency/landlord has created though.

19. Are you aware of automated decision making having unfair outcomes for rental applicants? Please explain.

- No, we don't use it

- 20. What should we consider as we explore options to address the use of automated decision making to access rental applications?**
- There needs to be an element of human involvement to consider Individual circumstances so people are not generalised or disadvantaged.
- 21. How long should a renter have to top up the new bond if some or part of the bond has been claimed by the previous landlord?**
- Strongly disagree with the portable bonds scheme.**
- 7 days to top up – otherwise tenancy to be terminated.
 - Strongly disagree with the scheme as if the tenant doesn't top it up on time, and then the lease is terminated, there will be a delay for landlords, potential a need to gain vacant possession through Tribunal and once again a larger workload for Tribunal.
- 22. What should happen if the renter does not top up the second bond on time? Please explain why.**
- Immediate termination of tenancy and potentially
 - Out of pocket payment to landlord – they will incur a second letting fee – tenant to pay for this?
- 23. Should this scheme be available to all renters, or should it only be available to some? Please explain why.**
- Should not be available to anyone/FACS. Could cause discrimination with Landlords opting to choose tenants who have the bond upfront to eliminate the hassle if they do have to top up their bond.
- 24. Who should have a choice on whether to use the scheme?**
- No one
- 25. What other (if any) things should we consider as we design and implement the portable bond scheme? Please explain.**
- Strongly disagree with the scheme.
- 26. Do you have any concerns about the NSW Government collecting information on rent increases and making it publicly available for renters? If yes, please provide details.**
- No. As long as it doesn't cause more work for Property Managers. Properties should have their leased price displayed on Realestate.com.au/Domain.com.au and then any rent increases need to be supported by CMA. Don't think its appropriate to then have to notify someone (RBO/OFT) every time a rent increase is issued.
- 27. What do you think is the best way to collect this information?**
- RP Data
 - realestate.com.au, etc -
 - RBO
- 28. Do you think the 'one increase per 12 months' limit should carry over if the renter is swapped to a different type of tenancy agreement (periodic or fixed term)? Please explain.**
- Yes, as long as there is no limit/no capping

29. Do you think fixed term agreements under two years should be limited to one increase within a 12 month period? Why/why not?

- Yes

30. What do you think about the above options? Please provide details.

- Agree/fair
- CPI – do not agree to CPI reasoning

31. Do you support news laws to require landlords or their agents to tell rental applicants if a rental property uses any embedded network? Why/why not?

- Yes. It is a cost that needs to be factored in for the tenants so they should be aware.

32. When should a rental applicant be told that a property uses an embedded network?

- At inspection/and in advertisement

33. What information should a renter be told about a rental property using an embedded network? Please explain.

- What utilities are embedded
- What companies are embedded

34. What would be the best way to ensure that the free way for renters to pay rent is convenient or easy to use? Please explain.

- Account details of agency to be available to all tenants – direct deposit.

35. Should the law require a landlord or agent to offer an electronic way to pay rent that is free to use? Why/why not?

- Yes. Tenants should have the right to pay rent without fees.

36. What are the issues faced by renters when moving into a strata scheme? Would better disclosure about the strata rules for moving in help with this?

- Restrictions on timing of moving in to the property
- Unknown By Laws that could impact on the tenant.
- Strata by-laws and National Strata by-laws database, need to be free and accessible to the public