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tenant news

TENANTS UNION OF NSW

CO-OP LTD

68 Regent Street
Millers Point 2016

Tel: (02) 27-3813

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STATE GOVERNMENT TO UNDERTAKE MAJOR VIEW OF LANDLORD AND TENANT ACT

Chance to air ideas on tenancy laws

The NSW Government will give citizens the opportunity at a seminar next February to make proposals to modernise the Landlord and Tenant Act.

The Minister for Consumer Affairs, Mr Einfeld, said yesterday the Act was one of the most complicated and, in many respects, outdated pieces of legislation on the statute books of NSW.

The result was that the Act was considered inequitable and confusing to landlord and tenant alike.

The seminar, on February 5 and 6 at the Seymour Centre, would provide opportunity for full and public discussion of ways to modernise the Act.

SMH 30/11/77

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Mr. Einfeld on 27th October 1977 invited the Tenants' Union to participate in this seminar:-

"I recognise the commitment of your organisation in this area and I know that you would be interested in becoming a party to the seminar...."

The Tenants' Union reproduces a shortened version of its policy for new landlord and tenant laws on pages 6 to 9 of this newsletter. This is what it will be pushing at the seminar.

Newsletter of the Tenants' Union of N.S.W. Co-op. Ltd.,
118 Regent Street, Redfern, N.S.W., 2016
Phone 699 4073, 699 2260 Wednesdays 5.30pm to 9pm



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** ALL WELCOME TO THE **

SEASONALLY GREETED BORED MEETING

OR

** OUR

CHRISTMAS

CHEER... **



... at 6 p.m. Tuesday 20 December 1977 at St. Luke's
Community Centre, 118 Regent Street, Redfern.
This'll be a great chance for Tenants' Union members
to meet, chat and swap harrowing stories of
disastrous life experiences...
BYO drinks and plate and shoes and fork and pen and
friend and

Christmas and New Year Greetings

Would you believe it is upon us once again - and as the
years get on - ever faster each time. And that is the
especial time of 'goodwill to all men'....hopefully we
all aspire to this throughout the year.

The Board of Directors wish all members the joys of a
Happy Christmas and all they desire in the coming Year.

The Nightmare Years or "Why I Threw in My Rent Receipts"

My nightmare began just two and a half years ago. I finally realized that I would have to take my four young children and find accommodation outside the family home.

In the next six months, I was only shown one property - a tumbled down old shack, set among waist high grass and abandoned cars. This was despite the fact that I had a steady job. The bath had fallen through onto the ground below, the house stank, many floor boards were missing and most of the windows were smashed. The agent, who is now being sought by his creditors, was asking a rental of \$35 per week and seemed surprised that a woman with four children should have the audacity to say the house was too run-down to occupy.

Finally we were offered a flat over a fruitshop on condition that the fruitier/landlord "liked me". He also noted the ragged carpets and told me to lay new wall-to-wall carpet at my own expense "so that I could get something I liked".

The landlord proceeded to make life so miserable for us that sometimes I would take the children and sit on a park bench rather than be watched from his window. He noted everything we did - when we were going out he'd ask us where we were going, and, in the school holidays, when I was off work, he kept telling us to go away on a holiday. If the children ventured down into his filthy yard he would scoot them straight upstairs again, and if they played on our small patio he or one of his family would come and frighten them inside.

He quite often browsed through our flat when we were out. He often screamed at me to "get back to my husband". The worst insult of the lot was his attitude - he would actually come out to the laundry at night when I was washing and stand near me, waiting for me to chat him up or make some kind of indecent propos ition.

His wife felt I was trying to lure her husband from the straight and narrow, and would soon come and rescue him - much to my relief. When he spotted us bringing in cases of fruit from the markets I knew our days were numbered! Soon after he screamed two weeks' notice at us. He went so beserk when I gave him a few smart answers that he had to be dragged into his fruit shop and a doctor was called.

I immediately started the search for another place, knowing full well that "single mothers with four children didn't stand a ghost of a chance". When I hadn't moved by the stipulated 2 weeks, his wife came up and threatened to smash every stick of furniture if I didn't get out immediately. The whole family then started a terror campaign, tyres let down, washing machine turned off half way through a cycle, my little boy pushed over by their teenage son and so on.

After some weeks we found another place, the rent was now up from \$40 to \$60 per week, the roof leaked, the floors were bare, the toilet up the back, the windows were broken and the children cried with cold in the winter. The kitchen was so cold in the mornings that once I slid around the floor on a cushion in order to cook breakfast. Another \$500 for removalist costs, gas, electricity, phone and bond costs. Two moves in nine months.

When I had moved and asked the fruitier for my bond he said that he was using it to pay for new carpets. The Tenants' Union soon changed his mind.

Similarly, when the children and I were moving out of the second dwelling, it took only a mention of the fact that I was a member of the Tenants' Union to persuade the estate agent that she should change her mind and give me back my \$150 bond - she had considered keeping it because she claims our dog left fleas!

Finally there is a happy ending - despite the dishonesty and corruption of the lower North Shore estate agents through whom I was to deal (another story all in itself) - I am now the proud owner of my very own place.

STATE GOVERNMENT TO BAN 'LOCK-OUTS'

Illegal evictions: \$500 fine plan

A \$500 fine on landlords who evict tenants without a court order is provided for in legislation being hurried through State Parliament.

Describing the move as a "matter of urgent necessity," the Minister for Consumer Affairs, Mr Einfeld, said the legislation was designed to bring a halt to "Dickensian incidents" which included families being thrown out on to the streets.

The legislation, comprising an amendment to the Landlord and Tenant Act, passed its first reading stage in the Legislative Assembly this week. It will get its second reading in about two weeks.

Mr Einfeld stressed that he intended to help landlords, too, by attempting to get speedy court hearings of their eviction applications.

But, he said, the present Act was weighted in favour of the landlord. "It is not acceptable in this day and age to have landlords acting as a law unto themselves," he said.

SMH 29/10/77 p2

State Country Party
Leader, Mr Punch, said
yesterday: "The

NSW Government's
Landlord and Tenant
Amendment Bill was the
first move in a return to
the bad old days when
landlords were held to
ransom by tenants.

"The extension of anti-
eviction procedures is the
first step by the present
Labor administration to
tip the scales of tenancy
laws against the land-
lord."

Sunday Tele 11/12/77 p21

STOP PRESS

THE BILL HAS PASSED
THROUGH THE LEGISLATIVE
ASSEMBLY AND WILL BE
DISCUSSED IN THE
LEGISLATIVE COUNCIL IN
EARLY JANUARY 1978.

Comment by the Tenants' Union ...

Although the number of actual lockouts is small, the most worrying thing is wherever a valid notice to quit has expired all tenants in houses not under rent control, i.e. 90% of tenants, are opened to this possibility. We have to tell tenants of this possibility and advise them to change their locks and stay on the premises at all times to avoid this situation arising. Such a situation is very distressing to aged, handicapped and families with children and is most unsatisfactory.

The Tenants' Union calls for a speedy passing of the new legislation through both houses.

WHY DO WE NEED A TENANTS' UNION?

Why do we need tenants' unions? The answer is short and simple. Tenants have the numbers, and yet by no fair test do they have anything approaching a reasonable deal in housing in Australia. Using your numbers to get a fair deal is what unions are all about.

Let's just look at the numbers of tenants in Australia (numbers in Australia, Victoria and overall percentage). Now look at the question whether tenants get a fair deal. In this fairly affluent age and given the high level of expectations of ordinary people, it does not seem unreasonable to insist that the minimum that tenants are entitled to are;

A reasonable standard of housing, particularly for families;

A fairly pleasant environment in which to live;

A reasonable range of choice between different types of housing;

A fair price in relation to overall disposable income;

Fair legal terms and cheap and sensible mechanisms for resolution of disputes;

And at the higher level, some participation or say in the important area of the average person's life which housing constitutes, with some measure of dignity.

If you look at these tests one by one, you can see very soon that both private and public tenants in Australia as a group severely fall short of achieving these expectations (details about the different areas, particular-

ly (a) the law (b) the housing market choice, price etc. (c) government policy on rental housing, and the government as a landlord)

Will law reform be enough? (details of why not, including the fact that in a housing shortage, people will forgo their legal rights).

Can the private housing market be trusted? We do not think so. Investors need profit and have in Australia a very poorly developed sense of social responsibility. A landlord/tenant transaction obviously carries elements of reciprocal social responsibility which are presently overlooked by most landlords, even reasonably good ones. The role of landlord itself creates a form of dependence in the tenant. In addition, the community as a whole has a stake in the landlord/tenant transaction; it is essential that there should be a reasonable supply of housing in conditions compatible with dignity and the right of each person to develop his potential in society, without even taking into account such things as health and environmental regulations.

Therefore we do not think that Tenants' Unions would be wise to rely on the private market in rental housing. I believe that the

market is able to make a profit and still discharge all of its social responsibilities, but we cannot convince private investors of this unless they are forced to take account of capital profits and review their entire expectations. This to a large extent, is a matter of ideology and long term argument.

In the meantime, if reliance on the private market means that the poor and disadvantaged of this country, the working man and his family seeking accommodation, must go begging on bended knees to live in sub-standard hovels, then quite clearly the answer is no, we must bypass or forget the private rental market. The private investors can only do business on relying on unfair laws, exorbitant rents and sub-standard housing which neglect ordinary standards of decency and responsibility. The answer is clear. Tenants' Unions must instead put most of their pressure on governments. We must convince governments of the political pressures that tenants are able to wield, particularly as they become a more cohesive and a more numerous body. The pressure of numbers will achieve what fair arguments or appeals to conscience never did.

From Tenant News Australia Spring 1977



PRINCIPLES

The Tenants' Union proposes a number of general principles which ought to cover all renting situations. These include the principles that every person has a right to reasonable accommodation and that agreements between landlord and tenant are on equal terms. It sees adequate essential housing as having priority over luxury housing. The tenant should not have to pay rent on premises which can no longer be occupied because of damage and the landlord should take reasonable steps to minimise any financial losses caused by a tenant who breaks an agreement. And, finally, if a dispute occurs between the tenant and the landlord, then there should be a quick, cheap and easy way to solve it.

LAW

The Tenants' Union believes that Landlord/Tenant Law must be rewritten along the lines of the Poverty Inquiry's recommendations, and include a Disputes Board that would have offices (open day and evening) all around N.S.W.

LEASES

In the area of Leases the Tenants' Union wants a lease made by Parliament. A copy of it should be given to the tenant. The tenant must have information on what the lease means, rent, bond, other costs, name and address of owner, etc. before the lease is signed. It is also policy that stamp duty be abolished on residential leases.

REPAIRS

On maintenance and repairs, the Tenants' Union would make it law i) for the landlord to keep the place in good condition; and ii) for the tenant to take care of the place, be clean and repair damage they cause. If the landlord fails to keep the place in good condition then the Disputes Board would order repairs to be done. If there is an emergency like a health risk then the tenant could repair the problem, and

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pay out no more than 4 weeks' rent. If the rented premises are not livable and the tenant is not to blame, then the tenant can end the lease.

RENTS

Rents are a source of many problems. The Tenants' Union policy is that a receipt of some form must be given and that no more than two weeks' payment in advance can be demanded. Rent increases should occur only once a year and there be 4 weeks' notice of any increase. Where a tenant believes a rent increase is unreasonable, he or she may apply to the Disputes Board to have it lowered. Charges on the preparation of a lease would be prohibited.

RENT CONTROL

The Tenants' Union believes that the present rent control system in N.S.W. should be maintained, and in addition there should be a system of selective rent control enforced on poor quality housing. Fair rent will be made up from a recipe including some profit for the landlord, condition of the building and improvements by tenant. If a landlord suffers genuine hardship, then a special subsidy could be given by the government. Finally, landlords would have to tell new tenants about the house being under rent control.

BONDS

Bonds are an area of considerable concern. Tenants' Union policy requires that bonds be limited to 4 weeks' rent for unfurnished and 6 weeks' for furnished premises and no more! Of course landlords or agents must give a receipt for the bond, and it must be repaid in full within 14 days unless there is rent owing or damage which the landlord must prove. If there is a dispute it should go to the Disputes Board. The landlord and tenant together should make a record of the condition of the premises and it should be attached to the lease. The bonds from every lease will be put into a special fund run by a board with tenants represented on it and the fund will be invested, with the interest to be used to set up and support

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local Tenants' Advice Services, ii) to be lent or given to community organisations to provide emergency accommodation or to non-profit housing associations. Finally, the Disputes Board should act as guarantor for bond money if the tenant can't raise the money and it would cause hardship to have to do so.

SECURITY OF TENURE

The Tenants' Union believes that a good tenant of 6 months or more should be given the right to renew the lease rather than get out for another tenant. But if the landlord wants to live in or sell the premises, the tenant must have at least 3 months' written notice. For periodic leases the Tenant can leave after a weeks' notice but the landlord must give one months' notice all in writing.

EVICTION

Eviction is not pleasant. Eviction will only be in case of serious and ongoing breaking of the agreement. All 'notices to quit' must be in writing giving reasons. The tenant must have reasonable time to rectify any breaches. If there is real hardship, the Disputes Board can delay the eviction. All forms of eviction other than before the Disputes Board should be punishable by fine or imprisonment.

HARASSMENT AND RETALIATION

Should the landlord issue a 'notice to quit' to get back at a tenant for exercising a lawful right or for being in a tenants' association, then there can't be any action until 6 months is up. And any other harassment of the tenant would be an offence with big penalties.

DISCRIMINATION

Discrimination against certain groups of tenants is totally unacceptable - it would be an offence to refuse a person to rent a place because of race, religion, sex, age, marital status, source of income or because of children.

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PRIVACY

The Privacy rights of the tenant should be written into the lease and would include 7 days notice for inspection or repairs, and except for emergencies be limited to 2 a year. Of course landlords could not change locks without written consent of tenants.

RESIDENTIAL OCCUPIERS

Legally the Tenants' Union believes that there be no distinction between boarders, lodgers, people occupying premises for their jobs, etc. - they all be called residential occupiers who have similar rights to tenants. And the premises of the residential occupiers be under rules that provide for improved conditions and services.

TENANTS' GROUPS

Tenants' Unions and associations should be able to initiate and take action on behalf of individual tenants. And, finally, collective bargaining agreements between tenants' unions or associations and landlords to have full legal force.

TENANT NEWS welcomes contributions from members of the Tenants' Union - accounts of personal tenancy problems, comments on proposed legislation and general items of interest to tenants.

This newsletter is the work of Michael Milston, Robert Mowbray, Sandra Ceissman, Helen Campbell, Beverley Barrett and Charlie Begg. Volunteers to produce the next issue are welcomed. Contact your editor at 118 Regent Street, Redfern 2016 phone 699 4073.



ANOTHER SAD STORY TO TELL

This is a story of a nasty landlady. I lived in a lovely old block of flats on the lower North Shore for two years with 2 other students. The flat was very old, rather dilapidated but had a lovely atmosphere and view over the harbour. We all lived happily for most of that time except when repairs needed doing, our landlady procrastinated like hell when the handbasin finally collapsed. We had good times with all other tenants in this block except the couple under us. They used to play grand opera and Al Jolson records on their super-powerful stereo, at top blast, and right into the early hours of the morning. We complained to the Noise Pollution people, the police, the landlady but to no avail. They were her favourite tenants.

One day this couple inherited over a million dollars! Within a couple of weeks we received a 'Notice to Quit' from our landlady, delivered in person by one of the downstairs tenants (!!! collusion). We decided to go and moved by the time specified, but asked for another week to clean up. Halfway through that week the downstairs tenants changed the locks so that meant that the flat was only half-cleaned. We rang up the landlady and complained that we wanted to clean up the flat so we could get our bond money back. She said that she would not return it as we were responsible for damage done by previous tenants (she admitted that we didn't do the damage).

So I applied to the Consumer Claims Tribunal for a night sitting in order to have my bond money returned. They sent, as is usual procedure, a copy of my application to her. She wrote to me at my new address and threatened to counter-sue me to the tune of \$300, if I didn't drop the case immediately. The counter suit was for i) cleaning (but we were locked out), ii) structural damage (done by previous tenants).

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She enclosed copies of receipts of expenses made out to the name of the tenants downstairs, so in actual fact she never had to spend a penny on our old flat as the couple downstairs, with all their new wealth, were quite happy to do that.

I received legal advice on the matter saying that another "court has no jurisdiction in respect of any issue in dispute in a consumer claim which has been referred to a consumer claims tribunal and has not been withdrawn". So she can do nothing until our Consumer Claims Tribunal case is heard. Or, so I thought. Some time later I contacted Consumer Affairs about the date of the hearing and they asked me if I knew any one in Hunters Hill who would be involved in the dispute between my landlady and myself - I said no. They replied that a person from this suburb had written to them indicating that the dispute had been settled out of court. Now, who else could that possibly be than my landlady! Consumers Affairs didn't take any notice of this letter as it wasn't signed by both parties. BUT I just wonder what other tricks she'll get up to before she's through!!!

B.B.

The New Law on Bonds or "Where Did My \$200 Go?"

The N.S.W. Government passed a new law regarding Bond Money and it began on November 1, 1977. It requires that all bond money be placed with a government agency called The Rental Bond Board by 1st March, 1978. The Board invests the money and intends to spend the interest on loans to first home buyers and a bit on a government-run Tenants' Advice Service. However, the Tenants' Union policy is that all interest earned be spent on tenants including local Tenants' Advice Services run by tenants' groups, because its tenants' money.

The landlord must send your bond money in after you sign a document called "Advice of Lodgement" or with a photostat copy of your signature. The Board will then send you your Rental Bond Number. Make sure you receive this! If you rent a place after 1st November,

1977 then the landlord or agent has 7 days to give your bond to the Board. Have you got your number yet!? If not, contact a Tenants' Advice Service listed at the back of this newsletter.

The amount of bond money is now limited - no matter what the agent or landlord may say - no more than 4 weeks' rent for an unfurnished house or flat, or 6 weeks' rent for a furnished one. Make sure you get a receipt for the bond. Also advance payment of rent can be demanded only when your rent is due.

To get bond money back when you leave, you, the landlord or both apply to the Rental Bond Board. If only you apply then the landlord has 10 days to contest the return. However if only the landlord applies then the Rental Bond Board will let you know. If this happens, get in touch with the Consumer Claims Tribunal at 1 Oxford Street, Darlinghurst and say that you are disputing the landlord's claim. Then within 10 days tell the Board. The Board pays out the money according to the judgement of the Tribunal. To get your bond money back get a form from the Rental Bond Board on the 12th Floor, 1 Oxford Street, Darlinghurst, telephone 238 8111 or from any Rural Bank branch. Be sure you always have one of these forms on hand and send it in as soon as you leave.

This new legislation is a step in the right direction and the Tenants' Union will continue to struggle to represent tenants' views to governments, media and landlord.

P.S. Be wary of agents who make a "charge" to allegedly "administer" the new Bond requirements. If you are in doubt (as you well should be) contact the Consumer Claims Tribunal, but be careful of agent or landlord retaliation over which you have little protections!!!

PROPERTY SPECULATION--A MAJOR CAUSE OF RISING RENTS.

Over the last few years a number of shrewd property speculators in Sydney have made a very comfortable living by buying up older style flats, applying liberal doses of paint to cover defects, strata titling the units and putting them on the market as cheap home units. The rising costs of maintenance of these older units have provided the climate favourable to the operations of these speculators.

SOME SUGGESTIONS TO CURB THE ACTIVITIES OF SPECULATORS.

- Legislative action is required to effectively bar speculators from the property market. This, under today's conditions would probably have to be done by making it quite unprofitable.
- Some form of Rent Justification Tribunal which could exclude profits to speculators from consideration and be coupled with a purchase reconsideration period-to enable investors to, in these circumstances, withdraw from the deal.
- Where the owner of a block is tempted to sell because of rising costs, then the existing tenants to have first option to buy-as a cooperative or the State Govt. to have first option (or second option) to add the premises to the State housing stock..

H.C.Begg

This is an extract from an article which is available from the Editor.

DID YOU KNOW!

From 1st July 1978 finance will be available through the N.S.W. Ministry for Housing for housing co-operatives. This result from a change in the Commonwealth-State Housing Agreement.

MOVE TO SET UP HOUSING CO-OPERATIVE

-- the battling wives of Ada Place.....

ADA Place, Ultimo, is not exactly the prettiest street in Sydney.

Two rows of plain-looking terrace houses face each other across the narrow, pot-holed road.

There's not a tree in sight and the air feels heavy from pollution.

Most people would never be induced to live there, let alone fight to stay there.

But then they haven't grown up in the area, lived their lives in the inner-city, come to know and love it.

Today, a big question mark hangs over the future of people living in 24 homes in Ada Place and the surrounding area bounded by Fig Street, Harris Street, Quarry Road and Bulwarra Road.

Their houses are in an estate handed down to the descendants of financier and philanthropist, Sir Thomas Buckland, who died in 1947 at the age of 99.

A 99-year lease expired last year and the trustee company representing the beneficiaries decided the properties should be sold.

People living in the 60 houses in the estate were given an option to buy, and 30 have so far either bought or are negotiating to buy their homes.

Another six houses are unoccupied and derelict and will probably be pulled down.

That leaves 24 houses which the present occupants would like to buy if they had the money.

But they don't have the money and unless they find it soon the houses will be sold for about \$15,000 each to young couples looking for a cheap buy or, more probably, to developers.

The residents still have one chance — only a slender one, but still a chance.

Backed by community workers at the Harris Centre, a neighbourhood

centre run by the Uniting Church, they have asked the State Government for help.

The group has suggested forming itself into a tenants' co-operative to buy the houses, renovate them and rent at reasonable rates, initially to the present occupants.

Social worker, Ann McCallum said, "We are hoping the Government will either buy the homes or provide low-interest loans.

"There are many elderly people living in these houses.

"It would be terrible if they are forced from their homes."

Housing Minister Mr Mulock said he was very interested in the group's proposal because of his desire to see more low-cost housing made available in inner-city areas.

"I have asked the Housing Commission to give me a firm idea of the renovation costs," he said.

"We'll see what happens then."

The Sun 5/12/77 p 44

The Tenants' Union, along with other groups, has given support to these tenants in trying to set up a housing co-operative and stay in their homes.

FREE TENANTS' ADVICE SERVICES



BONDI BEACH

Bondi-Waverley Tenants' Assoc.,
"Chapel by the Sea",
95 Roscoe Street, Bondi Beach.
Phone: 30 3445, 30 6449
Monday & Thursday 2 p.m. - 6pm

CAMPSIE

Ethnic Forum, Suite 2
15 Anglo Road,
Campsie. 2194
Phone: 789 4140
Thursday 6 p.m. - 9 p.m.

KINGS CROSS

Community Resource Centre
280 Victoria Street,
Kings Cross. 2011
Phone: 31 3210
Wednesday 2 p.m. - 4 p.m.

LIDCOMBE

Housing Assoc. for Low Income
Families,
40 John Street, Lidcombe. 2141
Phone: 649 3795
Monday to Friday 9am - 5pm.

LEICHHARDT

Migrant Advisory Service,
Ground Floor,
Marketown, Leichhardt. 2040
Phone: 560 4488 Ext 7
Thursday 6 p.m. - 9 p.m.

NEWTOWN

81 Enmore Road,
Newtown. 2042
Phone: 516 2066
Thursday 3 p.m. - 7 p.m.

NORTH SYDNEY

Labour Supporters Group
47 Mount Street,
North Sydney. 2060.
Phone: 922 4090
Thursday 6pm-9pm Saturday 9am- noon

REDFERN

Tenants' Rights Project of South
Sydney Community Aid Co-op Ltd.,
118 Regent Street, Redfern. 2016
Phone: 699 4073 699 2260
Wednesday 5.30 p.m. - 9 p.m.

REVESBY

Revesby Housing Commission Tenants'
Co-operative,
85 River Road, Revesby. 2212
Phone: 77 7960
Monday to Friday 1pm - 5.30pm.