

tenant NEWS

The newsletter of the Tenants Union of NSW

No. 63 October 1998

1.5 million tenants slapped in the face

The Tenants Union's concerns about the current Government's attitude to low income tenants were confirmed recently when Cabinet chose to ignore the major recommendations of the *2000 Olympics and the Residential Tenancy Market* report.

This report, commissioned by the Government, contains specific recommendations for legislative reform that would go some way to protecting tenants from Olympic evictions. The Government has rejected these recommendations.

"The failure to reform the Residential Tenancies Act (RTA) in order to protect tenants against excessive rent increases and provision of security of tenure represent a slap in the face to NSW renters."

The current NSW government has done virtually nothing to protect low income people in the private rental market. The Government has also failed to provide adequate legislative protection for Boarders and Lodgers. It's consistent failure to recognise the plight of increasing numbers of long term renters sends out the message that renters don't count.

Tenants Union spokesperson David Ramsay stated, "the failure to reform the Residential Tenancies Act (RTA) in order to protect tenants against excessive rent increases and provision of security of tenure represent a slap in the face to NSW renters."

Do Nothing Approach

At a time of spiralling rental costs and the impending impact of the Olympics, the Government has adopted a "do nothing" approach.

The fact that in the 10 year history of the RTA only four tenants have successfully contested an unfair rent increase is surely indication enough that the current laws fail tenants. Under current laws, under a continuing

agreement, there is no impediment on landlords increasing the rent every weeks, given a sixty days notice. Six month leases are the norm in Sydney and, at the end of the lease, it's a case of pay an extra 10 dollars a week or get out.

This Government was elected on a promise to provide legislative



protection for Boarders and Lodgers—one of the most vulnerable groups in society. No protections are yet in place.

The Tenants Union of NSW has made numerous detailed and measured submissions to Government. At a time of decreasing Federal contributions to housing, the NSW Government must adequately protect NSW tenants. ■

Changes in legislation to help tenants

by Damien Hennessy

Too new to have been tried in the Residential Tenancies Tribunal, but...

There have been a couple of recent changes to tenancy law in NSW. Tenants can now claim *undue hardship* to end their tenancy agreement. It's now possible to get out of your residential tenancy agreement before the end of your fixed term, but it won't be easy. You'll have to get the Tribunal's approval, and you'll have to show them that in the special circumstances of your case you will suffer *undue hardship* in keeping your tenancy going.

Undue Hardship

The sort of situation where you may get your tenancy terminated would be if you got very sick and you could no longer work and pay the rent, or you are a victim of domestic violence, or if you are unemployed and get offered a job in another city.

Remember that you can apply to the Tribunal in almost any situation, but it's up to you to prove that you are suffering *undue hardship*. If unsure whether your situation is covered by *undue hardship* contact your local Tenancy Advice Service.

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FREE!

Welcome to Tenant News

Sydney's hosting of the 2000 Olympics will have negative impacts on tenants, boarders and Sydney's homeless. No legal protection for boarders and lodgers and ineffective rent increase regulations are glaring examples of this.

The Tenants' Union finds reluctance from the Government to do anything. Long standing promises to protect boarders and lodgers are lost in further reviews, discussions and delay. Urgent needs for reform of the law in respect of rent increases, domestic violence & share housing provisions are ignored. Sydney may be remembered for its water quality and lack of concern for tenants and the homeless.

This issue of Tenant News continues our information on these long overdue reforms and reports latest developments for tenants.

Nicholas Warren, Chair

About the Tenants' Union

The Tenants' Union of NSW promotes the interests of tenants, including boarders and caravan park residents. Since 1976 we have fought for fairer laws and have worked to let tenants know about their rights. We welcome your involvement and membership. *Tenant News* is our regular publication.

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Jackie Swinburne	Information & Admin.

Edited by: Gael Kennedy

Layout: Ben Eagleton, Gael Kennedy and Eddy Jokovich

Printed by Marrickville Printers

ISSN-1030-1054

The Tenants' Union
68 Bettington Street,
Millers Point NSW 2000.

Telephone: (02) 9247 3813
Fax: (02) 9252 1648

Our e-mail address has changed...

Email: tunsw@fcl.fl.asn.au

The views expressed herein do not necessarily reflect those of the editors, or Tenants' Union staff.



Dear Shirley...

Shirley is everyone's confidant at the Tenants Union and when you are doing a Hotline roster you can be sure Shirley is there under the desk listening and offering support.

Send your letters to Dear Shirley, Tenants Union 68 Bettington St Millers Point 2000

Dear Shirley,

It is very hard to write to you about this, but my husband has started to become very violent and aggressive and has started attacking me. We live in a unit which we rent from the Department of Housing.

I got an apprehended violence order which means conditions are placed on him that he's not to threaten or assault me, but it's not enough as he continues to threaten me in the home which is very hard to prove and I believe that any day now he will begin assaulting me again.

The lease with DOH is in both our names. Is there anything I can do to get the DOH to help me to get him out or at the least find me and the kids another place nearby?

Woman, female, person and Mum, Wollongong.

Dear Sister,

Yes, there is the possibility of light at the end of the tunnel for you. The Housing Department does have provisions for women who are experiencing domestic violence in DOH homes. The general rule is that if you are a public housing tenant and you leave your premises because of domestic violence, you can apply for immediate reinstatement as a tenant with the Department. Be aware though—you must apply within six months of leaving the premises.

You should contact your local Tenants Advice Service in Wollongong for help. Take all the details you have about the Apprehended Violence Order and anything else you think will be useful such as the paper work about your lease with DOH etc. Also any notes you may have taken about the threats and violence you are experiencing (your DV counsellor/advocate may have suggested this) and continue to keep notes.

Well done for being so brave at taking such a confident and big step in protecting your safety and well being. Good luck and all the best with your new life.

Dear Shirley,

The Real Estate Agent who I rented my last house from refused to do any of the repairs I asked for. I wrote letters and even got some assistance from my local tenants advice worker. But he still kept ignoring me. I kept my rent up as I was advised not to stop paying. And I also kept the place in good condition.

Finally, with help from a tenants advice worker I applied to the Residential Tenancies Tribunal to have the repairs done. I won the case at the Tribunal, the repairs were done, but at the end of the fixed term agreement (about a month later) my lease was terminated. I got all my bond back. The Real Estate Agent said he didn't have any other places for me and anyway, I didn't want to rent from him again. So what's my problem?

It's this! I'm sleeping on my friend's floor at the moment as everytime I put in an application for a place I get knocked back. A friend at a real estate agent says that I may be on a 'bad tenant' database.

I need help. What can I do if I'm being blacklisted?

signed, Homeless, Orange.

Dear Homeless,

You poor thing! You are the victim of a very insidious practise currently in operation by many real estate agents. Just because you had the guts to ensure your rights as a tenant were upheld, you are now being denied the right to rent a home. Good for you for going to the Tribunal and congratulations on your win there.

However the bad news is, at the moment, the use of "bad tenant" databases is on the increase.

Presently there is no appeal process that entitles tenants to have their names removed. Although some database operators will listen to you, our experience is that others will not and your name stays on some of them for around five years and more!

The Tenants Union is currently doing a lot of work trying to convince government bodies to legislate and provide some regulation of the databases. We are currently looking at Privacy legislation and the Trade Practices Act.

Now, what can you do. Read the article on page 7 and contact our Policy Officer at the Tenants' Union straight away. Although we cannot offer you an immediate solution, we could possibly both help each other out in the long run. You would like to see this practice stopped and the Tenants Union is looking for possible test cases in this area to try and change the practices of these organisations. So give us a ring now and let's see what we can do together.

NATO speaks out on GST driven rent increases

Tenant Unions and Tenant Advice Services from across Australia met in Sydney in September to discuss the impact of a Goods and Services Tax on rents.

The National Association of Tenant Organisations (NATO) welcomed the Government's proposals to exempt rents from GST. However rent is exempt rather than zero rated.

This means that inputs are still taxed. Inputs are the other costs incurred by the landlord but ultimately paid for by the tenant.

Goods such as those used in maintenance of buildings (eg. locks doors etc), office costs (if managed by a real estate agent), office rent, service charges (plumbers, painters etc), cost

of new buildings and real estate agent charges, for example, will all attract a GST.

"A GST will therefore result in higher rents. And it looks like the impact could be in the region of \$5 to \$15 per week."

NATO spokesperson Mr David Ramsay stated: "The National Association of Tenant Organisations (NATO) believe that rents will definitely rise as a result of the GST and that

compensation measures must be in place to protect those on low incomes... Government case studies fail to consider the input tax related rent increases that will result. Hardest hit will be the real battlers—those in the private rental market with little hope of ever owning their own home."

Mr Ramsay went on to state; "further taxation measures and/or mitigation strategies for renters on low incomes must be considered as part of the Coalition's package."

NATO calls upon the Federal Government to set up a process involving Government, industry and community sector organisations to consider the GST related impacts on rents, prior to its implementation. ■

Census Figures

1996 Census figures show private renters by language:

Arabic	over 20,000
Cantonese	over 16,000
Spanish	over 13,000
Tagalog	over 13,000
Vietnamese	over 11,000
Mandarin	over 8,000
Greek	over 7,000
Italian	over 6,000
Korean	over 6,000
German	over 5,000
Japanese	over 5,000
Indonesian	over 5,000
French	over 4,000
Portuguese	over 3,000
Turkish	around 3,000
Polish	around 3,000
Tongan	over 2,000
Thai	over 2,000
Tamil	over 2,000
Fijian	over 2,000

All new tenants need a copy of the *Renting Guide*, (a publication outlining basic rights and responsibilities from the Department of Fair Trading), to be available in their own language. It is now available in 17 community languages, BUT, do Real Estate agents and landlords distribute them properly? At present Tenants Union Access Workers are researching this question. More news later.

Changes to Legislation

(continued from page 1)

Other changes include:

■ If you receive a pension, social security payment or government study allowance (such as Austudy), you can apply to the Residential Tenancies Tribunal for free. It used to be \$10.

■ If your landlord or agent doesn't lodge your bond with the Bond Board, they can now be given an on-the-spot fine of up to \$2,200. ■

Torrential rains and mud slides create havoc for Illawarra tenants

The recent torrential rain, mud slides and flooding in the Illawarra region has had devastating effects on tenants. Many were made homeless, others lost belongings and had their possessions damaged.

The South Coast/Illawarra Tenants Advice Service has been overwhelmed with calls for help and have been working overtime to meet the demand.

Sharon Callaghan, a tenants adviser with the service, outlined the key problems which include many cases where tenants' goods were damaged by leaking roofs.

"In some cases landlords were previously aware of the problem and hadn't repaired the leaks and when the huge downpours came the damage was much worse. In other cases the leaks were new and were a direct result of the impact of the torrential rain.

Delays Delays Delays

"Other tenants had real difficulties trying to get their repairs done. Landlords weren't always available and many real estate agents were so busy they couldn't help straight away. Often tenants couldn't make contact with the tradespeople nominated on their agreements. I guess every plumber and roofer in Wollongong was busy!" said Sharon.

The rain and floods in many ways highlight the frustrations and problems experienced by tenants everywhere. One of the most common issues that tenants face across the

state is the reluctance of landlords to do urgent and non urgent repairs. If landlords in the Illawarra region had been more conscientious and taken their obligations under the Residential Tenancies Act more seriously, a lot of pain and suffering to tenants and ultimately themselves could have been avoided.

Tenants made homeless

Many houses were so badly damaged that it was hard for tenants to continue living in them. Other tenants were made instantly homeless and lost all of their belongings. However the Illawarra Tenants Service found that many landlords were still expecting their tenants to continue paying full rent, even in cases where properties were uninhabitable or partially uninhabitable.

In these cases the Illawarra Tenants Service attempted to get orders for termination of tenancy agreements in the Residential Tenancies Tribunal. This was not always easy or straight forward. "Many of these attempts were very frustrating as it was difficult trying to get 'urgent orders' from the Tribunal" said Sharon.

The aftermath of the disaster is still being felt and workers are striving for the best outcomes for tenants. Tenants advisers across the state are keeping a close watch, staying informed of progress, particularly on cases in the RTT, and will develop strategies to deal with any similar situations NSW tenants may face in the future ■



Aboriginal Tenants find out about their Rights

Aboriginal tenants in public, private and Lands Council housing had few opportunities in the past to learn about their legal rights. However there are now four Aboriginal Tenants Advice Services across NSW, with workers actively providing community education and strong marketing to let people know they have rights under the Residential Tenancies Act.

Aboriginal educators often have to work in different ways to mainstream services, they work informally. For example, sit and have tea with one or two tenants they know and "gradually more people will drop in to see what's going on and the room will fill up. Then you can start hearing people's problems and talk about their rights and possible solutions" says Cecil See, tenant adviser from Gunya. "I've run education sessions sitting around under a tree, just having a yarn" (see the photo above)... "people wouldn't come if there was a formal, organised information session in a community centre."

"Often we have to work with both the landlords and the tenants, when the community is in either Koorie housing or Lands Council housing. It can be very messy and complicated as the tenants are also part of the organisations and therefore the landlords too. Often nobody is really clear about roles and their rights and responsibilities under the Residential Tenancies Act. This makes our work quite interesting! A challenge!" explains Cecil.

Lana Mundine is the Aboriginal resource unit worker, based in Redfern. She has developed community education kits, Aboriginal specific tenancy factsheets and a wide range of marketing tools to promote the Aboriginal services, such as key rings, fridge magnets, balloons,

bookmarks and drink coasters. She produces 'show bags' to give away at fairs and festivals, full of information on tenants rights and promoting the tenancy services.

One of the highlights each year is the Aboriginal Football Knockout, which is held in the previous year's winning town each year where 50,000 people gather from across the State. This year it is to be held at Nambucca Heads. Lana Mundine, Cecil See and other tenant advisers from the Northern and Southern services use this great opportunity to promote tenants rights. They run a stall over the three days, providing advice, and give away thousands of showbags.

The Aboriginal specific services provide advice, case work, support and advocacy in the Residential Tenancies Tribunal as well as community education. The services are:

- Northern Aboriginal TAAS based in Grafton (covering the North and North Western NSW) phone: 1800 248 913.
- Gunya, based in Dubbo (covering Western NSW) phone: 1800 810 233.
- Southern Aboriginal TAAS based in Batemans Bay (covering the South of NSW) phone: 1800 672 185.
- Greater Sydney Aboriginal TAAS based in Redfern (covering Sydney and environs) phone: (02) 9690 0020.



Water contamination: tenants win some... lose some

The Cryptosporidium and Giardia water scare has prompted Sydney Water to provide a 'disruption' rebate of approximately \$15 to people affected by the loss of clean drinking water.

The Tenants Union was concerned that tenants would not receive this rebate as it would be credited to the property owner, which for tenants means their landlord.

The Tenants Union made submissions to the independent Pricing and Regulatory Authority, suggesting mechanisms to ensure that the people actually affected by the water contamination would, in fact, receive the rebate. The Carr Government came to the party for most tenants.

However we are still concerned that a large number of tenants will miss out.

These are the tenants with a shared water meter—where the landlord should pay for all water charges. These tenants will have to rely on the goodwill of their landlords to provide them with a rebate. In our experience this rarely happens.

We welcome the decision that the Department of Housing will pass on the full rebate to its tenants.

The Tenants Union calls on the Government to alter residential tenancies regulations to allow all 'water disruption rebates' to be refunded as a 'water usage rebate' so that all tenants affected by water contamination or loss of supply will be compensated directly in the future. ■



Atlanta activist visits Sydney to tell the real story of the Olympics

Anita Beaty, Atlanta activist and campaigner for the rights of the homeless and low income tenants recently spoke to housing and tenant groups in Sydney about Atlanta's experience of the Olympics

Anita was the major voice for the homeless in the lead up to the Atlanta Olympics. Her group lobbied for legislative protection for the homeless and for tenants in Atlanta, conducted research around housing issues and continues now to be involved in the aftermath of the games.

Anita told Sydney, "In the lead up to the Atlanta games, authorities made it clear that they were prepared to go to any lengths to manufacture an Atlanta they had envisioned as a 'games paradise'. Nine thousand unlawful arrests of homeless people were made in an attempt to rid the streets of sights which might tarnish the image of the glamorous games and distract the international lens.

The fever pitch in the lead up to the Olympics was unbelievable. The money and greed involved led to a beautification process that cleansed the streets of homeless people for the Games and no matter what we did we couldn't stop it.

9,000 low cost housing units were lost, four public housing estates were pulled down and we lost four homeless shelters.

...It wasn't safe for the homeless people to walk the streets. Evictions, rent increases and the destruction of ...(so many)... low cost housing units literally lead to unprecedented homelessness. Unbelievably, once homeless, they were then arrested for small offences and thrown into jail!

Volunteer police with pith helmets and walkie talkies called the police to arrest homeless people for minor offences such as "aggressive panhandling"—if you ask people for money three times, you are arrested. A new jail was built to "house" the homeless and bus loads of people were shipped to other states. A local non Government organisation was given \$500,000 to "bus" people back to their "support networks". We suggested maybe we should bus some Olympic officials back to their "support networks".

Nobody laughed."



Anita warned, "When I get back to Atlanta I will be in constant contact with Rentwatchers to check the government here is looking after the Sydney residents. The taskforce and other activists across the world will be keeping on eye on Sydney too".

As 2000 grows closer, groups in Sydney are anxiously monitoring a rent explosion in the games corridor suburbs. Tenants at the lower end of the rental spectrum are likely to be most affected by the sudden inflation in rental benchmarks in the inner suburbs: evidence of Olympics gentrification is already observable in many traditionally low-cost rental areas.

The Law Foundation of NSW provided the funding for Redfern Legal Centre and Shelter NSW to bring Anita to Sydney to share her Olympics experience. ■

Test case clears up who is a 'tenant' in supported accommodation

by Grant Arbuthnot, Legal officer at the Tenants Union

In a recent Residential Tenancies Tribunal (RTT) decision it was decided that 'supported accommodation' can be subject to the Residential Tenancies Act. Supported accommodation generally refers to a situation where a person is provided with both accommodation and extra support, for example, in a 'women's refuge'.

In the case of *Ellis v City Womens Hostel* (RTT 97/22789), the question of whether people living in supported accommodation are 'tenants' or 'boarders or lodgers' was explored.

City Womens Hostel (CWH) provides accommodation to women in need of shelter and support. The clients of CWH receive varying levels of support depending on their need. It is the stated intent of CWH to "respond to the needs of homeless women who wish to expand their expectations and skills to ensure continuing secure, safe independent housing and in so doing increase their sense of dignity and self worth".

Ms Ellis was a client of CWH living in a shared house in Darlinghurst. The rent was paid to CWH. The household was supported by a caseworker of CWH. Support was in the form of case planning, house meetings and visits to monitor the welfare of the household.

The support was intended to improve the living skills and the housing options of the household members.

Ms Ellis and CWH had a dispute that included CWH locking Ms Ellis out of the house. Ms Ellis applied to the Residential Tenancies Tribunal (RTT) for orders against CWH. The orders sought were for possession of the premises and compensation for losses caused by the lockout. Her case was run by the Legal Aid Commission.

Am I a tenant?

Mrs Ellis had to convince the Tribunal she was a 'tenant' before any orders in her favour could be made because the Residential Tenancies Act does not apply to agreements where the tenant is a 'boarder' or a 'lodger'.

In the past many supported accommodation providers have assumed that any level of support made the client a 'lodger' (a 'boarder' is someone who receives food and lodging). Many of the clients have behaved accordingly, as though they have few rights and no effective enforcement mechanism.

When making it's decision the RTT reviewed the common law cases on 'lodgers' (as it is not defined in the Act). The RTT concluded that 'dominion or

control of the whole household' is necessary for the landlord to successfully assert that the (other) occupants are lodgers. The level of control necessary can only be achieved by the landlord occupying the premises and being the head of the household. The landlord's occupation could be by an employee or agent.

In this case the support worker of CWH did not reside at the house and the support did not constitute 'control of the household'. So Ms Ellis was not a lodger and her agreement with CWH was subject to the Residential Tenancies Act. As the Act applied and the lockout was unlawful Ms Ellis won possession of the premises again and \$2000 compensation for non-economic loss.

Law needs to be clearer

The Tribunal decision noted that the legislation needs clarification.

Supported accommodation comes with varying levels of intervention for support. It is unfortunate that where a person receives significant support, the landlord can be in a position of terrible power over their lodger. It can result in summary treatment of vulnerable people and does nothing for the dignity of those in need. ■

Residential Tenancies Act Review The Community Consultation in Albury: A Personal Experience

By Ann Brennan, tenant from Albury

There was a buzz of conversation as I entered the meeting room with all the landlords and real estate agents, in their smart business clothes, chatting in a group. They all proceeded to sit at one end of the spread of chairs, with me to the other side. I waited anxiously for other tenants to join me, but none did.

One real estate agent arrived late and sat closer to me. He wore a chunky gold ring on the little finger of his left hand and he waved it in my direction so that I could be dazzled by the diamond. Right at the start of the discussion he made it clear that things were shaky in the market. "The way things are going," he said, "greater numbers of landlords will pull out and invest their money in shares instead of the residential property market and then more public housing will be required."

I was quick to stand up and identify myself as a public tenant with many years experience as a private tenant, "I agree with this gentleman. More and better public housing is a good idea."

I got the feeling that most of those present thought that I was a silly twit who had missed the point about the sacrifices which landlords were making to keep their properties in the rental market.

Others found it hard to believe that I could be suggesting an increase in expenditure on public housing, even though we know from research that to supply public housing is not much more costly than to supply home ownership schemes.

The issue of bond money was raised. I put forward the view that if the money is paid in by the tenants, then it is their money. I was clear in my opinion that no politician should be able to plunder these funds for a vote catching scheme.

The discussion was interrupted by the ringing of mobile phones requiring the landlords to make important and hasty exits to a nearby partition where they held hushed and urgent business conversations.

"Time is money" said the diamond ring

The diamond ring near me waved expressively when up came the subject of the Tribunal. "Time is money and a businessman cannot afford to spend all day at the Tribunal, waiting around. Something has to be done to make it run efficiently." I was waiting for this issue. In Victoria, women had been fighting for years to have interest earned on bond money used to fund childcare at the Tribunal. "Yes. I agree that this gentleman

has a good point. People should not have to wait around all day, especially mothers with young children. There is no childcare at the Tribunal."

There was stunned silence.

The discussion then turned to access to the premises by the landlord, in particular, to show through a prospective buyer. I said that it should be illegal to conduct two different types of sales on the one property simultaneously. A tenant who has paid the rent for a certain period, and who has kept her part of the contract, should not be harassed by the landlord during that time.

However, the landlords were of the opinion that they should have no constraints on their right to make business decisions.

The landlords were also keen to have the legal right to have a blacklist of tenants. I was feeling tired and a little overwhelmed by this stage so I did not express my thundering thoughts about how badly tenants need a list of undesirable landlords!

The community consultation in Albury lacked input from tenants, so any changes to the legislation will, therefore, unfairly represent the point of view of the landlords. I left the meeting feeling disappointed in democracy. ■

RENTWATCHERS news

RENTWATCHERS is a community coalition fighting for the protection of tenants, boarders and lodgers in the lead-up to the Olympic Games.

The first issue of *Rentwatchers Report*, launched by Rentwatchers in July, contains important new information on the state of rents in the Olympic corridor.

Huge Increases in Rents

Rents are up by 40 per cent in some Sydney suburbs. Newtown, an inner western suburb in Sydney, has had rent increases of around 40 per cent from early 1997 to early 1998, and other suburbs surrounding Olympic venues are showing increases between 15 per cent and 25 per cent.

The *Rentwatchers Report* presents a comprehensive picture of the rental situation in Olympic affected areas and charts the rises that have occurred over the past twelve-month period. It will complement and act as an alternative to the *Rent Report* put out by the Department of Urban Affairs and Planning.

The report also looks at the situation for boarders and lodgers and the fight for protection for this very vulnerable section of the community, as well as new information on the increasing number of homeless people who are being affected by the virtual non-existence of affordable accommodation.



And the Winner is...

It is interesting to note that the Olympic 'corridor' has now extended past the metropolitan area; tenants advice services have seen incidents of rent increases related to the Olympics events as far north as Newcastle.

Rentwatchers branches out

Rentwatchers now has two active sub-branches that have been set up in the Hawkesbury region and the metropolitan area of Auburn. There are also plans to set up a branch in the Eastern suburbs of Sydney, where tenants have been subjected to huge rent increases.

Rentwatchers on-line

The final touches are being made on the Rentwatchers web site and should be up and running within a month. This is another way for tenants to get an update on events and find out what is happening in their local areas. The website will eventually include a map of Sydney and tenants will be able to click on their suburb to find out what the 'rental' situation is in their locality.

Presently, however, Rentwatchers material can be accessed via the Redfern Legal Centre website: www.rlc.org.au ■

Mush-rooms

By Elizabeth Raine, WESTS

Do you have a crop of "mushrooms" growing in your house? If so, they could be worth money!

This was the experience of the Dempseys from Girraween. In a recent case handled by Western Sydney Tenants Service (WESTS), the Dempseys complained that their bedroom had grown a large patch of mushrooms, due to inadequate repairs done by the landlord late last year.

The Dempseys moved in to their brand new unit last October, only to have the bathroom roof fall in within two weeks. Due to inadequate repairs, the bathroom's waterproof seal was damaged. This led to excessive dampness in the adjoining bedroom, resulting in a persistent smell which made the bedroom unusable. Despite repeated pleas to the real estate agent, nothing was done to fix the problem.

By late December 1997, the carpet had grown a crop of mould. By late March 1998, not only was there more mould appearing on the carpet, but also a crop of toadstools had sprouted up on the carpet.

Because of this, the tenants had to move out of their bedroom, and were forced to sleep on the lounge. They were obliged to remove their furniture and other goods from the bedroom. They are also began to suffer from an allergy due to the mould.

In August this year, their case was heard by the Residential Tenancies Tribunal. The Tribunal awarded them \$640 as a rent reduction, for withdrawal of the use of the bedroom over a period of 34 weeks. Though the landlord argued that he was not responsible for the damage, because it was the builder who did the inadequate repair, the Tribunal deemed him responsible as the landlord, and he was ordered to pay the compensation. ■



Am I a "bad" tenant? Tenant databases and you

Tenant databases are being compiled by a growing number of organisations throughout Australia. The databases list so called 'bad' tenants who have supposedly defaulted on rent, left monies owing, or pursued their rights at the RTT. Real estate agencies subscribe to the database organisations so they can run searches to check the credentials of prospective tenants.

Most people who are listed as 'bad' tenants don't know that they are on a database. It's not until their applications for housing are consistently knocked back and they find out such organisations exist, that their suspicions arise.

How I you find out?

You will need to do some homework to find out if you are listed. There are a number of tenancy database organisations including Tenancy Information Australasia (TICA), Remington Whites, Real Estate Noted Tenant Scheme (RENTS), RP Data, and Tenant Reference Australia.

Often real estate agencies have a sign on their door or within their office that states they are a member of a particular tenant checking system. This is a clue to begin your search.

Sometimes application forms for a tenancy have a proviso that any information given may be lodged or checked with a particular tenancy data base system—this is another clue.

You will then need to contact the relevant organisation, to ask if you are listed, which often involves a search fee—between \$10-\$15.

Is the information about me correct?

Once you find out you are listed you need to find out whether the information about you is correct. The listings usually record a person's name, date of birth and the reason for them being on the bad tenant database. There have been cases where this basic information is wrong, such as an individual's name or date of birth. The reason for the listing is also often incorrect.

Sometimes the database prompts the enquiry to 'refer to previous real estate agent' for information about the tenant. This can be problematic as the RE agent may not working at the same agency any more, or the real estate agency may have moved, or may no longer exist. It then gets very difficult to correct the information on the data base.

If you suspect or know you are on a bad tenant database contact the Tenants' Union on (02) 9252 3215 as well as the NSW Privacy Committee (02) 9228 8199. We may be able to help you get your name off the list or correct false information.

As regular readers of Tenants News may be aware, the Tenants Union has been campaigning on this issue for some time. We believe that the operations of these organisations must be regulated. ■

Residential Tenancies Act Review in final stages

The biggest review in over a decade of residential tenancies law in New South Wales has almost been completed. It was commissioned by the Department of Fair Trading primarily to see if tenancy laws unjustifiably restrict competition, but also to find out if there are areas that could be made more efficient and equitable.

The Department released an issues paper a few months ago, looking at issues such as rent increases, share housing and terminations. They received about 450 statements, letters and submissions. These included comprehensive submissions from the Tenants Union, most Tenants Advice Services, the Aboriginal Tenants Advice Services and the Tenants Advice Services Access Network.

The review also involved a number of public meetings throughout the state and meetings with various stakeholder groups including the Tenants Union. A final report is expected to be released very soon. ■



Tenants Have Rights!

How to avoid problems

- ☒ Start by reading your residential tenancy agreement. Get some help if you can't understand it.
- ☒ Tell your landlord, or the landlord's agent, about any problems and tell them what you want. You should confirm anything you agree to in writing and to send your landlord a copy.
- ☒ Remember that the agent works for the landlord.
- ☒ Keep a written record of what happens between you and your landlord or agent, including what each of you said and when.
- ☒ Keep copies of your:
 - Residential Tenancy Agreement
 - Condition Report
 - receipts for rent and bond money
 - all letters and written records.
- ☒ Never sign a blank form or any papers you don't understand.
- ☒ If you receive notice of a Tribunal hearing you should always attend.
- ☒ Remember that if you stop paying rent you can be asked to leave. Rent strikes do not work.

For more help

Contact your local Tenants Advice and Advocacy Service. Workers will be happy to call you back if you live out of the area.

Inner Sydney

02 9698 5975

Inner Western Sydney

02 9559 2899

Southern Sydney TAAS

02 9787 4679

South West Sydney

02 9601 6577

Eastern Suburbs Tenants Service

02 9386 9147

Western Sydney Tenants service

02 9891 6377

Northern Sydney

02 9964 9654

Central Coast TAAS

02 4353 5515

Hunter TAAS

02 4929 6888

Illawarra/South coast

02 4274 3475

Mid Coast TAAS

1800 777 722

North Coast TAAS

1800 649 135

North Western NSW

1800 642 609

South Western NSW

1800 642 609

Aged Tenants Service

1800 451 488

Aboriginal Services

Western NSW

1800 810 233

Southern NSW

1800 672 185

Northern NSW

1800 248 913

Greater Sydney

02 9690 0020

Your landlord can't evict you—only the Residential Tenancies Tribunal can do this.

Tenants' Union Hotline
Ph: (02) 9251 6590

Phone advice:
Mon-Fri 9.30am-1pm and 2-5pm

Get a new lease on life... join the Tenants' Union!

YES I want to join the Tenants' Union of NSW

Name

Address

..... Postcode

Telephone [h] [w]

First language

Please tick ☐ New membership ☐ Renewal

Are you a: ☐ Tenant ☐ Home Owner ☐ Other [specify]

Fees

Membership runs from 1 January to 31 December. New members can pay half fees after 30 June. New membership fee includes cost of share[s].

Yearly Fee: Tick the fee that applies

No (or low) wage/pension/benefit \$8

Waged worker \$15

Organisations \$30

Donation \$

I enclose \$

Signature

Date

Return to: Tenants' Union, 68 Bettington Street, Millers Point 2000

Office Use Only

Service Fee Shares

Donation

Receipt No Membership No

