

tenant NEWS

The newsletter of the Tenants Union of NSW

No. 64 March 1999

GST: Rents will rise

GST Hits Home

Housing experts warn that low-income tenants will be hard-hit if the GST is given the green light.

As the Senate debates the Coalition's new tax package, analysts predict higher rents, fewer housing choices and greater pressure on public housing. With tax costs added to food and other necessities, campaigners for social justice believe the tax to be an inequitable burden upon our community's most disadvantaged.

We can only expect that the indirect outcome of the GST will be a surge in the numbers of people using refuges and short-term accommodation and people made homeless by the additional costs on the very basics of existence.

Rents to rise despite 'exemptions'

Private tenants in metropolitan Sydney are at the mercy of an inflated market and are already paying higher-than-average rents. Rents are being pushed sky high by the rise in property values and the increasing demand on housing stock.

Although the government has stated that private rents are GST exempt, real estate agency fees, maintenance charges, document preparation and letting fees will attract an added cost. We expect that landlords will pass these costs onto tenants by way of a rent increase (as they have done recently with the increases in land tax in NSW).

Utilities like electricity, gas, telephone and water, which are charged separately to rent, will also attract a GST which will mean a direct increase in costs.

Poor deal for boarders and lodgers

Boarding house rents will attract a direct GST, as will services like laundry and meals. This will mean a direct increase in costs with no legislative protection for boarders and no practical avenue for challenging these increases.

...analysts predict higher rents, fewer housing choices and greater pressure on public housing...

Boarding houses provide accommodation to some of the most disadvantaged people in our community. Licensed and unlicensed boarding houses have traditionally housed elderly people and people with disabilities on fixed incomes, because they find the private rental market unaffordable. Many of these people depend on the services that the landlord provides (for additional fees).

The added financial strain of the GST is likely to cause serious detriment to tenants' physical and mental health. Food, medical, and transport expenses will all increase. There is grave concern that for many, homelessness will be unavoidable.

Caravan park tenants

Like boarding houses and hostels, caravan parks are classed as 'commercial residential premises' and as such, attract a direct GST. People with a caravan or manufactured home, who choose to place it in a park or estate for full-time residence, will have to pay a GST on the purchase price of the dwelling as well as an ongoing GST on the site rent. For most caravan park

residents (short and long term), this may mean an increase of between 5% and 10% on top of their weekly fee.

With maintenance charges, utilities like electricity and water, as well as food and other goods directly affected, will caravan park living be the affordable alternative that it has been in the past?



TU raises concerns

The National Association of Tenants Organisations (NATO) together with the Tenants' Union is lobbying the Federal Government, making these concerns heard. At the recent Senate Inquiry into the GST, representatives from these organisations argued the devastating impact of the proposed tax. Let's hope the politicians listen! ■

Election '99

In the lead up to the State election, the Tenants' Union has asked each of the major political parties to tell us where they stand on the issues affecting tenants in NSW.

The questions we ask cover concerns such as security of tenure, rent increases, legal protection for boarders and lodgers, the regulation of bad tenant databases and low income housing.

This is an important time for tenants, as we face increases in rent beyond inflation, the continuing loss of boarding houses and affordable housing, and the impact of the Olympics.

Here is an opportunity for readers to assess each of the parties views prior to the March 27th election.

What the Candidates say: pages 4 & 5

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FREE!

Welcome to Tenant News

This issue of Tenants News focuses on the up-coming election in NSW. The outcome of the election will have a direct impact on tenants through the policies that are endorsed. To assist tenants evaluate the candidates, we have surveyed the major parties and reproduce their responses in this issue.

You may notice some cynicism in our analysis, as we have had promises broken in the past - most noticeably promises about the protection of Boarders and Lodgers. We are also battling the unpreparedness of both major political parties to acknowledge the adverse effect of the Olympics on tenants.

The Tenants' Union will be raising housing issues wherever we can in the parties' campaigns and trust that information in this publication will assist members and friends to cast informed votes.

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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Printed by Marrickville Printers

ISSN-1030-1054

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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,

I live with my human companion in a nice little house we rent near the beach. But my human companion (HC) says we are going to have to really cut back because of the GST. We rent our house from a nice lady who isn't ready to retire here just yet. Will there be a GST on the rent payments we make? Me and my HC aren't sure.

signed, Rin Tin Tenant, Tweed Heads NSW.

Dear Rin Tin,

Yeah, it can be a real bummer worrying about where your next can of Pal, or in my case pizza, is going to come from.

Now, the thing is there is no GST proposed on rent payments, but 'little Johnny Howard' is making sure you will still pay some way or another.

You see, every time your landlady has to fork out money for your place she will pay the GST (like plumbing, electricals, paint, nails, screws, glues, building services) - all those types of things. Then there are the other services she pays for, such as the real estate agent fees - she'll pay a GST on that as well. The thing is, your landlady sees the place you rent as an investment for her retirement, not just a place for you to live in, so she will pass on those extra costs to you in your rent payments, no doubt about it, no matter how nice she may be.

And to top it all off, you are going to cop the GST directly as well. GST on things you must provide like garbage bags, tip fees, cleaning products, (did you ever have any of those little accidents?), flea bombs, (please excuse me , I'm not assuming you have fleas), and the stuff to ensure that the place is kept in good order so that you can be reasonably comfortable and eventually get your bond back when you leave the place.

The GST is just another example of how the tax system can be so unfair to tenants and people on low or fixed incomes and all in all it amounts to higher rents and more costs for your HC. Sorry about the bad news!

Cheers, Shirley.

Dear Shirley,

I am 10 days behind in my rent and my landlord says he's going to kick me out tomorrow and change the locks. I will have the money in a couple of days, but he says that's not good enough. What should I do? How will I get my stuff out? Where will I go?

signed, Bev Hills, Beverley Hills NSW

Dear Bev,

Whoa, slow down there buddy. Your landlord can't chuck you out just like that! First you must be 14 days behind with your rent. It's only after this that your landlord is allowed to serve you with a written notice of termination. giving 14 days notice. This has to be delivered personally or posted. After these 14 days have expired, the landlord then has 30 days to apply for orders from the Residential Tenancies Tribunal for termination of your tenancy agreement. You will receive notice that your case is going to the Tribunal and you'll have the opportunity to explain the issues and try to come to a mutually satisfactory arrangement. If the matter can't be sorted out your landlord can then ask the Tribunal for an order for possession of the premises and a warrant for the sherriff to remove you.

However, before any of this happens, the first thing to do is try to negotiate with your landlord and try to get your rent up to date. Write to him (and don't forget to keep a copy!) explaining that you can pay the rent in the next couple of days. See what he says. You may be able to sort it out like this. The Tribunal is less likely to evict you if your rent is up to date. If you get a notice of termination or have any other problems with your landlord contact your nearest Tenants Advice Service listed on the back of Tenants News.

And most importantly **don't ever forget** your landlord alone can't throw you out and change the locks...it is a very serious offence under the Residential Tenancies Act and can mean a fine for him of \$22,000 plus compensation costs.

regards, Shirley

Government rushes tenancy laws in pre-election frenzy

by David Ramsay - (Adapted from an article by Annette Wade produced in Inner Voice)

In the last Parliamentary session before the 1999 March election, the NSW Government rushed through two major pieces of legislation that will effect tenants. The first is the Residential Tenancies (Social Housing) Amendment Act 1998 and the second is the Residential Tribunal Act 1998.

Social Housing Act

On January 1st 1999 the Residential Tenancies Amendment (Social Housing) Act became law. The intention of this new Act is to make it easier to evict "problem tenants" from public and community housing.

Punishing 'bad' tenants



improved tenancy management

Rather than protect tenants against increasing rents and the pressures of declining funds from the Federal government, the NSW government has decided on a campaign to punish "bad

tenants." Law and order is a vote winner and the new Social Housing Act is part of the pre-election "get tough" approach.

The legislation aims to reduce vandalism, anti-social behaviour, crime, and violence in social housing (public and community housing). While these aims are well and good, the existing Residential Tenancies Act 1987 already prohibits illegal use of residential premises and contains provisions for dealing with tenants who breach their agreements.

The Tenants' Union has had some involvement with the Act. We were consulted on the broad principles of an "Improving Tenancy Management Issues Paper" in early in 1998 but only found out about the actual legislative proposals one day before they were fast tracked into Parliament.

TU lobbies for changes

The Tenants' Union drafted changes to the bill and lobbied the independent members of the Legislative Council...but the Act received support from the two major parties.

In fact, the Opposition sought to extend the Act's coverage to the private rental market, where tenants have little security of tenure anyway!

Scope for abuse

We are concerned that there is real scope for abuse. Aspects of the new law have the potential to split communities. The legislation encourages tenants to take action against their neighbours. We are concerned that the Act may lead to 'witch hunts' and provide communities with the tools they need to aid the Department to get rid people who may be "different," because of cultural values, sexual preferences or mental illness.

More negative messages

We are also concerned that the Minister for Housing's grand announcement of the legislation was interpreted by the media as yet another negative and false message about public housing. The media had a field day with the typical stories of "tenants from hell," and "tough new measures to evict bad tenants".

This only perpetuates stereotypes that housing estates are rife with vandalism, drug dealing and violence and that special laws are needed to deal with public housing tenants.

At a time of declining Commonwealth funds and increasing public housing waiting lists another negative story makes the job of convincing the politicians to increase public and community housing supply just that little bit more difficult.

The Tenants' Union is closely monitoring the new Act.■

New Law - What's in it for Tenants?

by David Ramsay

The new Residential Tribunal Act 1998 became law on March 1st. Sadly, there was no consultation or prior warning that the Act was to be introduced. A meeting between tenancy law gurus was quickly called and we soon discovered major flaws and problems.

One major concern was that appeals in the proposed Bill were to the District Court (currently appeals are to the Supreme Court). Appeals are on matters of law and generally have implications for tenants that are broader than the individual case.

The Tenants' Union liaised with Government, the Opposition and Independents and the proposal was reversed.

Costs a problem

During its passage through Parliament, the Opposition added a number of amendments. Of great concern to the

Tenants' Union are provisions that allow landlords to be awarded costs at the tenant's expense.

We are concerned that this may lead to landlords entering into sham agreements with Real Estate Agents for the sole purpose of representing landlords before the new Tribunal. This could lead to a more litigious environment at the Tribunal, by providing rewards to agents who pursue speculative cases.

Of even greater concern, is that many tenants may be too worried to pursue their rights...

Of even greater concern, is that many tenants may be too worried to pursue their rights, for fear of losing their case and






having to pay the costs of the landlord.

The Tenants' Union is challenging this part of the Act.

The New Tribunal Act - What it means

- a new name: previously Residential Tenancies Tribunal now **Residential Tribunal**
- the creation of specialist divisions: the one Tribunal will cater for Residential Tenancy, Caravan Park, Strata Scheme and Retirement Village matters
- single member or multi-member panels,
- the greater use of mediation and conciliation
- appeals from the Residential Tribunal will be to the Supreme Court.

The Tenants' Union will keep you informed on the new Act and the effects it has for tenants.■

<h1>nsw election '99</h1>	 AUSTRALIAN LABOR PARTY Jeff Shaw (ALP) Minister for Fair Trading 	  LIBERAL John Turner (NP) Shadow Minister for Fair Trading 
Does your party support improving tenants' security of tenure?	<p>Yes the Carr Government is committed to the protection of tenant rights.</p>	<p>The opposition supports, in broad terms, a proper arrangement for quiet enjoyment and security of tenure. We do recognise however that in giving security of tenure, there must be fairness and equity operating between parties.</p>
Does your party support providing tenants with protection against unfair rent increases?	<p>Yes.</p> <p><i>[Ed note: Still waiting since the last election. TU amendments to give rent increase justice were not acted on in the Government's last term.]</i></p>	<p>The opposition is concerned about the Carr Government's recent huge increases in land tax following re-evaluation of properties, and whether tenants will be forced to pay a proportion of land tax. Generally the opposition would not have any truck with unscrupulous landlords who sought to exploit and unfairly treat tenants by way of unfair rent increases.</p>
Does your party support the provision of regulatory safeguards to protect tenants from the operation of tenancy databases (Blacklists)?	<p>Yes, the Carr Labor Government has funded the NSW Council of Social Services to conduct an inquiry into the use of tenancy databases, including "blacklists". It is expected that NCOSS will report to Government in late 1999.</p>	<p>The opposition will consult with the Tenants' Union and the real estate industry on this issue.</p>
Does your party support instituting reforms to the Residential Tenancies Act to better deal with the issues that relate to sharehousing?	<p>The National Competition Policy review of residential tenancies laws began in early 1998. The issue of share-housing is being considered as part of the review.</p>	<p>I recognise and accept the fact that share housing is a common occurrence. The opposition will work with the Tenants' Union to improve the current situation without over-bureaucratisation occurring or legalistic red tape being put into place, which in my view can only lead to the erosion of quiet enjoyment of an otherwise accepted alternative method of accommodation.</p>
Will your party protect the 1.5 million NSW tenants from evictions and rent increases that may result from the 2000 games?	<p>Yes. The Government is monitoring the rental market to identify unusual increases in rent and frequency of rent increases. An education campaign will be conducted to inform tenants of their rights and to dampen speculative activity by landlords.</p> <p><i>(Ed. note: The Carr Government has rejected TU proposals for legislative protection)</i></p>	<p>Yes.</p>
During the last term of office the ALP failed to introduce tenancy protection for boarders and lodgers despite a pre-election promise to do so. Will your party honour a commitment to protect people living in boarding houses?	<p>Yes. The Carr Labor Government is committed to protecting people in Boarding Houses. The Ageing and Disability Department licences boarding houses accommodating people with disabilities. The Government is conducting a review on the issue of regulation in this industry. The TU is on the working party.</p>	<p>The Carr Government has again failed to honour its promises in this area. I will discuss the issue with your organisation and other representatives of boarders and lodgers on coming to government to ensure adequate protection is provided to this group.</p>
<p>Housing affordability is decreasing rapidly in NSW. The Tenants' Union believes that measures must be introduced to provide affordable housing. Responsibilities for housing cover approximately five NSW departmental portfolios.</p> <p>What will your Government do to coordinate a response that will work toward improving affordability?</p>	<p>In April 1998, \$30 million from the Rental Bond Board Interest account was approved by the Minister for Fair Trading for affordable housing schemes developed by the Department of Urban Affairs and Planning and the Department of Housing. These schemes include a long term rental housing leasing initiative, innovative housing capital projects and the implementation of proposals from the Affordable Housing Task Force. This is one example of a coordinated Government approach to the issue of affordable housing and the Carr Labor Government will ensure the continued 'whole of Government' approach.</p>	<p>A Chikarovski / Souris government is committed to a 'whole of government' approach. We do not believe that it is good government to have bureaucracies conflicting over central issues. As such, we are committed to a system whereby affected Ministers will be bound to co-ordinate their various portfolios to produce positive outcomes. Housing affordability would obviously be an area where such a coordinated approach would occur.</p>



Ian Cohen
The Greens NSW



Dr. Chesterfield Evans
Australian Democrats



Yes. Security of tenure is a key goal of the NSW Greens' housing policy. We will introduce a Private Member's Bill increasing legal protection of tenants' rights, including a charter of tenants' rights which will form the basis of tenancy agreements in the private and public sectors.

The Australian Democrats support improving tenants' security of tenure.

Yes Our Private Member's Bill will contain provisions which make it possible for tenants to take successful action in the Tribunal regarding excessive rent increases. We will make sure rents are not determined solely by market forces and will act to prevent speculative rent increases resulting from events such as the 2000 Olympics.

We support providing tenants with greater protection against unfair rent increases.

Yes. The Greens support the regulation of tenancy databases and protection of tenants from these operations.

We support the provision of regulatory safeguards to protect tenants from tenancy databases.

Yes. Our Private Member's Bill will give tenants who share accommodation protection and rights under the Residential Tenancies Act, as well as boarders and lodgers.

We support the amendment of the Residential Tenancies Act to better to better deal with issues relating to share housing.

Yes, we will be introducing amendments to protect tenants against unfair rent increases and measures to stop unfair evictions, as a result of the Olympics, early in the next parliamentary term. These proposals also include specific amendments relating to domestic violence, based on the Queensland Residential Tenancies Act.

The Australian Democrats will act if required, to protect tenants from evictions and rent increases that may result from the 2000 Olympic games.

Yes - as outlined in the Greens Housing Policy. The Greens support legislative protection for Boarders and Lodgers. Boarders and Lodgers are some of the most disadvantaged people in society and must have protections against arbitrary evictions and rent increases.

The Australian Democrats are committed to introducing tenancy protection for boarders and lodgers. We recognise that, in particular, people with mental illness will require special protection and assistance to ensure that their housing needs are adequately catered for.

The Greens Housing Policy outlines a number of policy responses aimed at increasing affordable housing including: encouraging investment in low income housing and home ownership, community housing, setting low income housing targets, providing tax concessions and the utilisation of government owned land.

Governments that are not prepared to invest in new public housing should be prepared to increase rent assistance in order to ensure that the needs of lower income earners are met. Rent Assistance, however is not as desirable as having public housing in public ownership. ■

STATE OF THE (TENANCY) NATION

by Damien Hennessy

The failure of tenancy law to provide secure and affordable housing is not only a New South Wales problem. In fact our laws are better in some areas (we have the best Rental Bond Board), and worse in others (we are the only tenants who have to pay a fee to sign a tenancy agreement). While all states and territories need to lift their game, here is run-down on how we compare on a few big-ticket tenancy issues.

Rent Increases

Queensland is the only state which doesn't allow a tenant to challenge a rent increase because it is excessive. It is up to the tenant to prove that a rent increase is excessive in every state except the ACT, where it is the landlord's job if the rent increase is over 20% of the current rent. Nowhere is a tenant's ability to afford an increase relevant to whether it is too much.

Termination

Tasmania is the only state with 'just cause' eviction (where the landlord needs to give a reason to evict you). All other states and territories allow landlords to ask tenants to leave without having to give a reason. Of course landlords will have a reason, it's just that they have don't have to tell you what it is (which is good for them if it's trivial or discriminatory). NSW is one of three states that requires the giving of only 60 days notice. In the ACT, a landlord must give a tenant notice of 26 weeks (182 days).

Share housing and domestic violence

No states or territories have laws that adequately deal with the modern share housing situation. Queensland is the only state that addresses the problem of domestic violence in tenancies.

Bad tenant databases

Now that some of these databases are nation-wide, this is a real difficulty for state-based laws. No tenancy laws deal with the problem at all, and current privacy and trade practices laws are being stretched to deal with this new (and particularly nasty) development. ■

Residential Tenancies Act Review

It is extremely unlikely that the Review will be completed before the election. It is hoped that whoever wins office in March, the government will use the review as an opportunity for much-needed reform of tenancy law in NSW, and that this reform will be progressive rather than regressive. ■

Sydney still a Developer's Paradise

by Polly Porteous

The Inner Sydney Tenants Advice Service, based at Redfern Legal Centre, has been actively involved in trying to save boarding house stock. In one case they have been working with residents of a boarding house in Kings Cross since 1997.

In 1997 developers became interested in the property and lodged a development application to convert the boarding house into residential flats.

The tenants began organising a campaign to save their home - some had lived there for up to 20 years. In mid '97 one of the tenants took the case to the Residential Tenancies Tribunal to determine whether he was a tenant or a boarder. The Tribunal decided he was a tenant and, from then on the developers took this into account. They issued 60 day termination notices in November 1997.

At the same time the Department of Housing assessed the development as a reduction of low-cost accommodation and so the Council rejected the development application.

The tenants were hopeful that this assessment would stop their eviction.

However, the developers lodged an appeal to the Land and Environment Court. The Council and the Department of Housing did a huge backflip and in February 1998 approved the application with the condition that the development include seven units for low-cost accommodation.

The tenants were devastated. There were 13 of them left so some would miss out on housing.

In February 1998 the developers approached each tenant individually, offering about \$500 cash to leave, encouraging them to relocate to another boarding house, and began building work causing horrific disturbance. Not surprisingly, five tenants left. Most of them had been offered the units and will be returning when they are completed.

Redfern Legal Service prepared Tribunal cases for the eight other tenants, relying on the principles in the *Swain* case - that the hardship each tenant would suffer if forced to relocate was greater than the hardship the developers would face if the tenants stayed.

The Tribunal indicated that it was more likely to grant an extension of time to move out, than say the tenants could stay forever. With this in mind, the Tenants Advice Service negotiated for six of the tenants to receive \$2,500 (relocation expenses and compensation) and a period of three months to find alternative accommodation. They then lobbied the Department of Housing to provide urgent housing for these tenants.

Two tenants stayed on to fight. One tenant who had been crucial to resisting the development negotiated a larger cash

payment. The last tenant would not leave no matter how great the sum being offered. She also would not accept one of the ground floor units as she was terrified of living in the basement. After intense negotiations, the developers finally offered her one of the upstairs units for low-cost rent for 5 years. However there is no certainty that this tenant will be able to cope with the changes to her old home.

While the tenants did benefit from the help of Redfern Legal Service in their negotiations with the developers, most are still bitter and distressed at being forced to leave their homes. Ultimately this case shows that NSW planning and tenancy laws cannot adequately protect the poorer residents of the city. Sydney is still a developer's paradise. ■

Who gets the Renting Guide?

The Renting Guide is available in 17 different languages. The Tenants Advice Services' Access Network is currently collecting information to find out if tenants from non English speaking backgrounds receive the Guide. It plans to push for changes so that all landlords and Real Estate Agents distribute the "Renting Guide" appropriately. We want **all** tenants to have equal access to information on their rights - in their own language. ■



More Rights on-Site

The Residential Parks Act 1998 became law on March 1st. The new law deals with the rights and obligations of residential park owners and park residents.

Rent increases

The market level of rent will no longer be the main factor to be considered in rent increases, but only one among a range of factors. These include the frequency and amount of past rent increases and a general price index (such as the CPI).

Terminations

Residents who rent the site and place their manufactured home or caravan with rigid annexe on it, and *for whom the park is their principal place of residence*, may have their tenancies terminated only for specified reasons. They may also be entitled to compensation where no breach of agreement is involved.

In addition, the new law sets out to clarify and regulate who is responsible for paying water and electricity charges and to streamline processes for on-site sale of dwellings. The Residential Tenancies Tribunal will have the power to deal with disputes about sales. There will be a five-day cooling off period for people entering into contracts for purchase of manufactured homes that will be located on sites under residential site agreements.

Other provisions cover dispute resolution through Park Disputes Committees and Park Liaison Committees, and referral by the Tribunal to alternative dispute resolution when both parties agree. ■

Combined approach wins out

by Matt Turner

The South West Aboriginal Tenants Service and South West Tenants Advice Service recently combined resources to assist a Department of Housing tenant facing eviction under the Department's 'good neighbourhood' policy.

The case and its outcome illustrate the advantages of cooperation between tenancy services and the problems with the Department's application of its neighbourhood policy.

The tenant was a single mother from an indigenous background, looking after seven children in a rundown house. The Department alleged that the condition of the house was a result of tenant damage and refused to rehouse her or repair the premises. This was on the grounds of allegations and complaints from neighbours regarding noise and disturbances caused by the tenant, her children and visitors.

'Bad Neighbour'?

Over a three day hearing at the Residential Tenancies Tribunal it became apparent that there were several incidents which had annoyed the neighbours. However many of the disturbances had involved domestic violence in which the tenant was herself a victim. The Department also tried to submit evidence of events which had not occurred in "the neighbourhood" and incidents where the neighbours themselves were at fault. It also became clear that the neighbours prejudice and racism towards the family had resulted in an attitude of intolerance and a tendency to automatically assume they were responsible for every incident in the area. The tenant did have problems controlling her children and the actions of visitors, but had received no help or support to assist her with her this.

The case highlights the need for the Department of Housing to take on its responsibilities as a social housing provider and to play a more constructive role in making it possible for people with problems to maintain their tenancies. By seeking eviction as the easiest solution to the problem, the Department failed to recognise that ultimately it would continue to have a responsibility for housing the tenant.

Situations such as this require support and an approach which recognises the social dimension of the problem, rather than one based on a legal response backed up by a complaints based policy.

Ultimately the result in this case highlights the positive outcomes which can be achieved by cooperation between indigenous and mainstream tenants' advice services. ■

Rentwatchers update

by Mary Flaskas for Rentwatchers

The second *Rentwatchers Report* has hit the streets. It's a special edition concentrating on the issues of homelessness and the decline in affordable housing.

For example, figures show that the South Sydney area has lost approximately 76% of its boarding houses over the last ten years. With the availability of public housing in steep decline and private rental virtually inaccessible, there appears to be little in terms of housing options for people on low income.

Despite all this, there is still a reluctance by the Government to take steps to give some sort of legislative protection to boarder/lodgers to bring their rights in line with tenants and to make sure that local councils provide tougher restrictions on development applications so they are not infringing upon low-cost housing stock.

United Nations visit

Plans are underway for a representative of Rentwatchers to address the Economic, Social and Cultural Committee of the Human Rights Commission in Geneva, on the social impacts of the Olympics, in April this year. This is an opportunity to raise local concerns at an international level.

Documentary

Other ventures include the production of a documentary which will highlight the impact of the Olympics on housing and the effect that this is likely to have on low-income residents in metropolitan Sydney and beyond.

Western Sydney sub-branch

Don't forget that Rentwatchers also has a branch in Western Sydney and members are going to be holding monthly meetings. If you'd like to get involved or get more details, you can contact Michael on 9635 7063. ■

Keepin' a roof over me head

Going to the
Residential Tenancies Tribunal



A guide for Aboriginal tenants

Produced by
Hatchling Productions
for the

North Coast Tenants Advice Service
© 1998

Funded by the NSW Department of Fair Trading
And the NSW Department for Women

This new video is available from North Coast Tenants Advice Service - useful for all tenants. only \$15.00. Contact no: 026622 3317

New Political Party for Tenants

The inaction of the major political parties to deal with the needs of tenants, boarders and lodgers and homeless people has led to the growth of a new political party.



Tenants Have Rights Party candidates for the upcoming state election, standing for the NSW Upper House - Cecil See and Kylie Kilgour

The **Tenants Have Rights Party** was formed earlier this year. It is lobbying for the protection of tenants, boarders and lodgers and the homeless, particularly in the lead up to the Sydney 2000 Olympics.

The Tenants Have Rights Party believes:

- housing is a basic human right
- strong housing policies supported by legislation should be a high priority to ensure the delivery of affordable and secure housing for all citizens of NSW, particularly the indigenous people
- vulnerable members of the community, such as tenants and the homeless, should be protected from any adverse impact the Olympics may have on their housing circumstances.

The Party will work for:

- the conservation of low-cost rental accommodation in Sydney
- amendments to the Residential Tenancies Act to include;
 - a) the provision that rents may only increase once per year, and to be tied to the weekly wage index
 - b) the provision of 'just cause' evictions, whereby the landlord must have a valid reason for the eviction of tenants
- legislative protection for boarders and lodgers
- increased funding for emergency shelter for homeless people
- increased funding for social housing ■

Landlord found liable for stress caused to tenant!

In a landmark decision, the Supreme Court of NSW found that a tenant can claim compensation for stress and physical inconvenience suffered when a landlord breaches the residential tenancy agreement.

The court found that Mr Strahan, a seventy-three year old pensioner living in a caravan park at Toukley was entitled to compensation for the anxiety, physical inconvenience and stress he suffered when the park owner failed to provide a sealed road to his home for more than two years, as promised to Mr Strahan prior to him taking up residence.

Importantly, the court found that a claim for compensation for stress and inconvenience was not limited to a 'rent reduction' application under section 47 of the Residential Tenancies Act 1987. (Section 47 deals with situations where rent is excessive because of a reduction or withdrawal of any goods, services or facilities provided with the premises).

The court also confirmed that medical or other expert evidence is not always required to prove stress and other grounds of non-economic loss, in cases such as Mr Strahan's.

Ms Mandy Tibbey, Mr Strahan's legal aid lawyer, said:

"This is an important decision for tenants in New South Wales. It confirms that tenants have a right to compensation when their landlords ignore their responsibilities

under the Residential Tenancies Act in a way which causes tenants stress and anxiety."

Mr Strahan has encouraged other tenants to stand up for their rights:

"I'm very, very pleased with the result and I trust that tenants with similar problems will now see their way clear to take their cases forward with a view to achieving a similar result."

Get to it tenants! ■

Rents Up

From the Department of Urban Affairs and Planning - "Rent and Sales Report NSW" No.46.

Sydney Statistical Division (SD) median rents for one, two and three bedroom dwellings increased by approximately 8%, 7% and 7% respectively over the year to December 1998.

Holroyd, Willoughby and Strathfield recorded the largest annual increase in median rents for 3 bedroom separate houses - 10% to 15%.

Median rents for 2 bedroom units in Concord (the Olympic's suburb), over the year, increased by 29% to \$270.00 per week.

The total bonds held in Concord increased by over 7% for the year - more that double the Sydney-wide increase. ■



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.....

