
From: [REDACTED]
Sent: Friday, 9 July 2021 10:18 PM
To: South Brisbane Electorate Office
Cc: Community Support and Services Committee; Minister for Communities and Housing
Subject: To Community Support and Services Committee (CC my local MP): Submission on the Housing Legislation Amendment Bill 2021 and the Residential Tenancies and Rooming Accommodation (Tenants' Rights) and Other Legislation Amendment Bill 2021

Dear Amy MacMahon MP,

Dear the Community Support and Services Committee, cc my local MP -

I'd like to comment on both the Housing Legislation Amendment Bill 2021 and the Residential Tenancies and Rooming Accommodation (Tenants' Rights) and Other Legislation Amendment Bill 2021.

I'd also like to take this opportunity to share something with you: a snapshot of what it's like to rent in Queensland. This story was penned by my former flatmate, who was the one most involved in the interaction that affected five flatmates, including me, who rented together for a time.

"I wish to share a story from my time as a renter. I do so in support of reforming the legislation that sets the minimum standards for tenancies in Queensland. I hope that those standards can be improved.

Ultimately the story has two elements; first being subjected to an unlawful rent increase and experiencing the imbalance of power between young renters and property managers; and second improper recordkeeping by QCAT creating an unjust result when we took the legal avenues available under the Act to combat unlawful rent increases. I hope that my story shows how easily even relatively well informed people can fail to achieve the right outcome in the rental system. Here is my story.

My family rented for years in a house in Annerley. Upon my parents retirement my siblings and I took over the lease; we were in our early twenties at the time. At the next annual renewal the proposed rent went from \$330 per week to \$550 per week. We did not accept this contract and failing to negotiate a more reasonable rent with the agent I challenged the rent increase in QCAT.

The QCAT application was dismissed by the member as in the member's opinion it was not a rent increase under the Act therefore it could not be an unlawful rent increase. The member found that it was an offer for a new fixed tenancy which we could either accept or reject. We chose to reject it and found a new house to rent.

The time it took to go through the QCAT process meant that the previous lease expired. My family and I had been paying the old rental rate, however when we moved out the property manager refused to refund the bond on account of unpaid rent. In their systems the property manager had increased the rental rate from the time the previous lease expired. I went back to QCAT to have the bond refunded.

In the second QCAT application I submitted to the member that there was no agreement for rent at \$550 per week, as per the first QCAT finding and I had rejected that offer. I submitted that under the rules for changing between a fixed to periodic lease the old rental rate was the correct rate to apply; the property manager not having served a notice of rental increase on us in accordance with the Act, but merely made an offer of a new fixed term; again as per the first QCAT ruling. The second QCAT member did not accept that that was the ruling, but agreed to adjourn the matter so the previous QCAT file could be reviewed. Unfortunately only the decision to dismiss my first QCAT application was recorded, not the reasons for that decision and no record of the oral reasons was available. The

second QCAT member finalised the matter by ruling that there was a rent increase under the Act and it was an unlawful rent increase; i.e. precisely what I had sought in the first QCAT application. The effect of the second ruling was that the amount of additional rent deducted from the bond was at market rate. Had the first ruling gone this way however, we would have also had the right to remain in the property. This was not available to us in this instance because we had already moved out and signed a lease to occupy another house.

It was open to us to seek judicial review of the first QCAT ruling when we found only the decision was recorded without reasons, and there was no recording of the oral reasons that were given. The step, while theoretically open, was not practically open because we had already moved out of the house and the costs associated with litigation in Supreme Court far outweighed the benefits of winning that dispute.

The house in Annerley remained vacant for a few months before being advertised for rent at the rate the second QCAT member found was the market rate.

My experience of these events was filled with frustration and disbelief. The property managers had no interest in listening to our view regarding the market rate, which put us through the cost and turmoil of moving house at short notice, and resulted in a net loss for their client. Whether willingly or ignorantly the property manager adjusted the rental rate contrary to the rationale for the first QCAT decision; it seemed they simply had the view that they "won" and in the face of that we were let down by the QCAT members not recording their decisions correctly and coming to opposing views."

In its current form, the Housing Legislation Amendment Bill 2021 will do little to improve the situation for the 1.8 million renters in Queensland. While this bill may be palatable to the real estate lobby, it completely disregards my experience as a renter.

While I'm pleased that the Housing Legislation Amendment Bill includes positive provisions for renters experiencing domestic and family violence, it contains little other reforms of substance for renters.

I urge the Queensland Government to take this opportunity to amend this bill and to implement real rental reforms that will make renting in Queensland affordable, secure and fair.

It's crucial that rental reforms in Queensland include:

- A genuine end to 'no grounds' evictions – providing tenants with long-term security in their homes without the risk of an unfair eviction at the end of their lease
- Allowing tenants to make minor modifications, like hanging picture frames or installing furniture safety anchors
- A real ban on rent bidding – banning agents and property owners from accepting amount above the advertised rent for a property
- Expanding minimum standards to include ventilation, cleanliness and insulation
- Stopping unreasonable rent increases by tying rent increases to general inflation (CPI)
- Ensuring prospective tenants have fair and honest information about the property
- Banning inappropriate or discriminatory questions by lessors
- Make it easier for tenants to have pets – by flipping the onus on property owners/agents to demonstrate why it's unreasonable for a tenant to have pet

These provisions are included in the Residential Tenancies and Rooming Accommodation (Tenants' Rights) and Other Legislation Amendment Bill 2021. I urge the government to either support the Tenants' Rights Bill, or amend its own bill to provide real protections for renters.

Yours sincerely,

