
From: [REDACTED]
Sent: Tuesday, 13 July 2021 1:07 PM
To: McConnell 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 Grace Grace MP,

Dear the Community Support and Services Committee, cc my local MP – Grace McConnell

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.

[REDACTED] rental issues:

The first time I was a renter under a real estate agency contract was in 2019, when I lived in [REDACTED]. I found the real estate agency we rented with to be untrustworthy. They did not attend to maintenance issues in a timely fashion. When they did accept that a maintenance problem needed to be fixed, they threatened to have us pay for it. There were also maintenance issues which they claimed they had no obligation to fix and suggested we try to fix the problem ourselves. For example, the lights were old and had electronics in the lights that had failed. We could not have fixed these as we are not electricians. The electrician assured us that we should not have attempted to fix it, and that a qualified electrician needed to do it. The real estate had said that we just need to change the light bulbs. The real estate also provided us with a battered looking secure roller door remote which broke 1 week after we moved in. They stated that it was our responsibility to fix it. We didn't think this sounded right, but we organised for a fix anyway. We paid \$110 for a programmable new remote control. We then borrowed a neighbour's remote to program it. That worked fine, so we had a working roller door remote again.

The real estate was so bad we decided to move out at the end of our lease. At that time the real estate attempted to make us pay for damage to the property that was already there when we moved in. I was able to show photographic evidence that the damage already existed so the real estate agency stopped coercing us to pay for that particular damage. We were however, required to pay for professional cleaning of the carpets. It was explained that it is a requirement that tenants pay for professional cleaning of the carpets when they leave. This sounded strange because when we first moved in, the carpets had not been professionally cleaned. We also were not advised when we moved in, that this was a requirement. Unfortunately, I had no photographic evidence to prove that the carpets hadn't been cleaned prior to us moving in. We decided to organise and pay for the carpet cleaning, just to have the matter resolved. However, we also had issues with the bond clean. We paid for a professional bond clean but the real estate agency claimed it was not clean enough. The bond cleaning company was hard to get a hold of, so instead of organising for them to come back, we went back to the property to clean what the real estate agency outlined was required. Most things that they asked us to clean was already unclean when we moved in (eg. Accumulated dust above the highest cabinets in the kitchen), however, we did not have photographic evidence to prove that we left the place in the same state as when we moved in. We are good tenants. We felt the real estate agency were coercing us to pay for damage costs, maintenance costs, and cleaning costs that we should not have had to pay.

[REDACTED] rental issues:

In 2021 we moved to [REDACTED]. Just under 3 months into the rental contract, we were advised that the owners wanted to sell the property that we live in. The real estate agency engaged by the owners to sell the property were dishonest and reckless. Prior to entering the property, most of the time they did not provide the form 9 for entry within the required 24 hours. In one instance, they only provided the form with 22 minutes notice before they

entered the property. Also, the real estate agency did not get our written permission to do open houses. Instead, they lead us to believe that we had no choice. We did 6 open homes. For three of these I spent 2 hours cleaning and tidying before the open home. For the last two open homes, I left the place reasonably clean but didn't spend as much time on it as the previous open homes. For the first 5 open homes, myself and my partner vacated the property. For the 6th open home, I didn't vacate. I didn't trust the salesperson to be in my home without me present. We have since learned that there was no requirement to clean as much as we did, and we learned that we could allow only private inspections by appointment (instead of doing the open homes).

Another thing, before the first open house, the real estate salesperson claimed that he could not get access to the property through the property manager. Because of this, we offered he could cut one of our keys. So he agreed, took one of our keys, and copied it. Later we started to distrust this man and didn't want him to have a key to our home in his possession. For this reason, we asked him to return the key to us. That is, we withdrew our consent for him to use the key he had, and asked him to organise access with the property manager instead. He refused to return the key to us. After that, frustrated at how we were treated, we explained that we didn't want to do open houses anymore. This was explained in a phone consultation between my partner and the real estate salesperson on Thursday 17th June 2021. The real estate salesperson said that we can't refuse open homes. He conducted another open home two days later (Saturday 19th June 2021).

On the 21st June 2021 we:

- asked the owners for a rental reduction (via email, through the property manager) -we advised the real estate salesperson via email that we do not want to do open homes anymore. We explained that we have asked for a rental reduction and that we may do open houses in the future, but we don't want to do them anymore and that we will keep him posted.

The owners denied our rental reduction request, stating that:

"Unfortunately we've received negative feedback regarding our tenants actions preparing and during open homes. The feedback indicated this has been ongoing and progressively worsening to the point our agent is arriving early to prepare the property for viewing and sale. With this in mind we are not prepared to offer any reductions to the current rental contract. If we receive positive feedback from our selling agent that they are assisting him to present the property clean, neat and tidy and allow him to do the best job he can, then we might consider this request." We were angry that we received this response. I was particularly angry because I was the one that did all the cleaning and I knew that this was false and that the real estate salesperson had clearly misled the owners about the situation. The property manager was surprised at the owners response and noted that we seem like organised people and asked if the real estate agent advised in the wrong direction. We explained that the selling agent had advised in the wrong direction. We explained what had happened, but we did not hear anything back from the owners (we did not receive any rental reduction or any acknowledgement from the owners that they had been misled by the real estate).

We noticed that the real estate agency were still advertising on realestate.com.au for an open home to go ahead on Saturday 26th June 2021. My partner called the real estate sales person about this by phone on Wednesday 23rd June 2021. During this conversation the real estate salesperson said that the owners felt threatened by our rental reduction request. The salespersons also stated:

-we can't refuse open homes (again)

-the owners are unlikely to renew our lease -he could issue 5 entry notices per week if we refuse open homes My partner told the salesperson that this is different to what we had checked with the RTA and that we will seek more advice.

On Thursday 24th June 2021 I called the RTA and they confirmed that we can refuse open homes and that they (the real estate agency) should have got our written permission in the first place before they did any open homes at all. They also said that we are entitled to know who is entering our property and the real estate agents should provide us with details of who is entering. Please note: I have since discovered that the part about the real estate providing us with the names is a bit misleading. I have learned that the legislation is silent on whether agents should provide the names of people entering, to the tenants. So the situation is that by law the names don't need to be provided, but they can still ask the potential buyers if they are happy for their names to be passed on to the tenants.

On Friday 25th June 2021 in the morning, we noticed that the open house for the following day was still being advertised on Realestate.com.au. So my partner emailed the salesperson in the morning on Fri 25th June 2021 and stated that:

- We have made multiple requests for no open houses
- On the phone you said we couldn't refuse them and I didn't want to be unreasonable, but we have received advice from the RTA otherwise
- Showing of the property is to be by appointment only

We received a phone call from the salesperson at 5:31pm on Friday 25th June 2021. During that call:

- The salesperson apologized profusely about the open homes and stated that he organised for the advertising to be taken down today, as soon as he received our email
- The salesperson said he was unaware of the rules, but his assistant, [REDACTED], has worked in property management and she thought you can't refuse open homes. [REDACTED] said that the rules have changed because of covid and now tenants need to provide written permission for open homes. [REDACTED] called the RTA today and has confirmed that yes, we can refuse open homes. (We have since discovered that the part about covid changes was false. Tenants have been able to refuse open homes for many many years)
- The salesperson said he had had a couple of conversations with people during the week who said they were going to come along on Saturday
- He indicated that we will turn up outside our home and bring prospective buyers through if they turn up
- My partner asked him to send details of who is attending
- The salesperson stated that he doesn't have to do that because it is a matter of buyer privacy
- My partner asked if he could just tell us who is coming, just provide some information, eg. Person A and Person B
- The salesperson said he would have to ask them, and they would have to say "Yes, I am comfortable with putting my name and sending my name onto the tenants and so forth"
- My partner said he would put me on the phone since I was the one who called the RTA
- The salesperson told me that he will turn up tomorrow outside our home and bring through prospective buyers if any of them turn up.
- I explained that that is not happening. And that we are going to refuse entry, and that he needs to follow the rules here and he does not have authority to enter.
- The salesperson said that he does have authority because he provided an entry notice on Wednesday, 23rd June 2021.
- I said the entry notice was for an open home and I said it is going to be awkward if you turn up tomorrow
- He continued to argue that he has authority and will be coming tomorrow
- I stated that the RTA advised me I should let him know that if he turns up, I will refuse entry. I said Goodbye, and ended the call.

I then called the property manager and explained that the salesperson is saying he will bring people through the next day for an open home even though we aren't doing open homes anymore. I explained that the salesperson indicated that there is not anyone that has made a private appointment, but that he is still going to turn up outside our home and bring through anyone that turns up. The property manager didn't seem to take in everything that I said because he said that since the salesperson sent an entry notice on the Wednesday, we should let people through. I tried to explain again that that entry notice was for an open home. The property manager then reluctantly accepted that we may not let people through the next day, and he would let the owners know.

About 40 minutes later I received a text message from the property manager that if I do not let in the buyers for the private inspection scheduled for tomorrow morning this will result in a potential breach notice. I called back and tried to explain that this would be an unlawful entry because clearly the entry tomorrow doesn't suit us for a very good reason, and the salesperson needs to organise a different time for any private inspection. The property manager said that the salesperson has advised that he has two groups of people that will probably be coming through and we need to let them in or we will potentially be issued with a breach notice.

The next morning I was worried that the sales person would attend. I knew it would be an unlawful entry if he attempted to enter, but I realised that this man was more than just a pushy salesman. I was also worried about being issued with a breach notice and therefore soon being evicted.

That night I was anxious and worried about what would happen. I didn't know what to do.

The next morning (26th June 2021) before 9am, the following happened:

- I texted the property manager and asked if he would attend because I think the salesperson will attend, even though I believe he is in breach of the RTA if he does. I stated that I am scared of the salesperson and I would like him (the property manager) to be there for my safety

- I cleaned and tidied the place as best I could in the time I had available. If the salesperson attempted to enter I had planned to be polite to the potential buyers and let them through, and explain to the salesperson that I don't think he has authority to enter the premises and that I will follow it up with the RTA
- I received a text message response from the property manager that he will be present because the salesperson asked him to be. He said he will be there to witness if I still refuse entry to the private inspection and the next step is the owner issues a form 11 breach notice.
- I urged my partner to leave the property (I did not want the situation to escalate and for there to be a confrontation between my partner and the salesperson). My partner left to walk around the city.
- I waited anxiously on the couch to see what would happen.

I heard the salesperson talking to the property manager just outside my home. Someone rang the complex buzzer but I did not answer it. No one attempted to enter the property. I received a call from the property manager that the salesperson had left and that he (the property manager) is outside my door. I let in the property manager and we spoke for a bit.

During that chat:

- The property manager stated that no prospective buyers turned up, and that my place looks clean.
- I explained that if any buyers had arrived, I would have let them through. However, the salesperson needs to start following the rules (as outlined by the RTA)

Since then, the salesperson and his agency has continued to disregard the rules outlined by the RTA as well as not following the rules outlined by Queensland Health regarding covid19 restrictions. I contacted the real estate agency and asked to speak to the person who supervises the salesperson I have been dealing with. I explained what happened. I received a response that indicated that, apart from continuing advertising the open home after 21st June 2021, the salesperson has not done anything wrong.

I do not know if the real estate agency are deliberately breaking the rules or are simply reckless in their disregard to check the legislation before they act. After multiple calls to the RTA they confirm that the salesperson has committed multiple offences by not following the Residential Tenancies and rooming accommodation act. It is also likely that multiple offences have been committed by not following the Property Occupations Act 2014. I am still deciding how far I am prepared to take this as the behaviour of the real estate agency has not improved. Prior to my experiences, I was not aware how bad it is for renters in Queensland. I am concerned that vulnerable people are likely being significantly harmed and that this harm could be stopped if there are Amendments to the act. This experience has been very stressful for me. I am worried about renting somewhere else in the future so I am trying as much as I can to save for a deposit so I can buy my own house. Having said that, I think there are more vulnerable people than myself where the outcomes would be much worse.

In its current form, the Housing Legislation Amendment Bill 2021 will do little to improve my situation as one of 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,

A large black rectangular redaction box covering the signature area.