
From: john whittingham [REDACTED]
Sent: Friday, 9 July 2021 9:36 PM
To: Community Support and Services Committee
Subject: john whittingham

Re the **Housing Legislation Amendment Bill 2021** and the **Residential Tenancies and Rooming Accommodation (Tenants' Rights) and Other Legislation Amendment Bill 2021**

Some real world experience from a a citizen:

I have two cabins I rent on my own small acreage property. I recently had to do the stressful and time consuming process of the form 11, form 12 (that the tenant ignored) the qcat form 2 and all the associated documents, see a solicitor for advice, a stressful court appearance, and police eviction of a tenant who owed me \$10,000 in rent and had consistently been abusive and failed to comply with even the most basic clauses of his contract such as putting his rubbish in the bin. He consistently left it on the ground outside in plastic bags where wildlife ripped it open. I don't support 90% of the contents of the two amendments proposed. In fact the balance of power is already too far toward the tenant. I find tenants keeping dogs has consistently been a problem with barking and the foul smell and stains in carpets consistently an issue as well as fleas, neighbour noise complaints, scratching the walls and rubbing their poo-ey bums on the walls leaving foul brown stains.

The greens have not rented properties under the terms they are proposing and compiled the results of their trial, and I am not an experimental grounds for their silly ideas. It is not the job of private property owners to provide public housing, that is the governments job.

When I own a property I have the right to decide who rents it, whether they have pets particularly dogs, what modifications they can do, and whether I wish to continue a lease at it's end. These proposed changes make providing a rental property even more stressful risky and untenable than it already is. In fact I was already considering selling mine! Even though I live here.

The past 8 months have been hell and my health has suffered as a result, not the mention the fact that i had to borrow the \$10,000 that should have been channelled from the rent to the mortgage and now I have to pay it back as well as making the huge mortgage repayments. My job is to make sure I don't get another bad tenant, and asking questions is important toward that especially as it is incredibly hard to get rid of a bad tenant.

The legislative changes should be making it much easier to withhold evicted tenants property to reclaim some of the rent, and make it an offence not to keep up to date with providing an address for serving documents.

The usual thing is the tenant leaves a mess and a large sum of rent arrears and even if we do another qcat form 2 and do mediation and go to court it is difficult afterwards to find the tenant and recover the money.

In my case the tenant taunted me with messages saying "good luck getting me out it will take you months". I can provide a copy of these messages.

He knew the system and used it to his advantage to rip me off for \$10,000 in unpaid rent. I will register the debt but have been told I have very little chance of finding him or recovering any money.

Please make the law more fair in this regard; not worse as you consider these amendments.

There is no reason a lessor should not have the right to end a tenancy at it's completion. This is standard contract law. When you lease a car you don't have the right to bully the lender to give you another car lease contract!

I do support minimum standards for properties and their repairs, and had a rental myself once where the owner would not do anything at all, even when water was running into the rooms out of the gutters and the foul tank water was making everyone sick. I had to get the health department involved.

I don't support 4 weeks rent toward the tenant spending my money on repairs. That is ridiculous and emergency repairs don't require that. There are many options of how things are done and who does it, and the emergency plumber or whoever is usually the most expensive option. The tenant is not paying and therefore won't get various quotes to save money, the tenant is often not experienced in the repairs of properties, is often not qualified or experienced enough to make these decisions, and above all is not entitled to spend my money. I do property maintenance as a job, and know a million times more about it than all the tenants I have ever had combined. The idea they would make decisions on my behalf to spend my money is ludicrous. I always repair things promptly, and have never had complaints about that. I have a female tenant with a child with me for 4 years currently.

Regarding modifications. No. I have heard the most absurd ideas from tenants suggesting things that no other tenant would ever want. They think I should change the property to suit only them. Minor modifications would consist only of hanging a picture or putting up a mailbox not cutting out all or part of a wall (that may be load bearing) or cutting out a kitchen to fit a dishwasher or to fit a bigger fridge. Those are things I have done as work jobs for people recently in rentals but the lessor definitely has the right to approve it and ensure it is done neatly and safely. Tenants usually do a nasty rough job and may even do illegal electrical and plumbing work as part of it in my experience. If that leaks water and damages the cabinets or causes an electric shock the lessor will bear the brunt of it.

I also have problems with smoke alarms. The tenants ALWAYS remove them and don't tell me even though I buy the best ones.

Regarding giving 6 months notice to occupy your own property: No. It does not take 6 months to get a new rental and move.

Rents follow market forces, if they go down the government does not subsidise them. The property sector has been decided by government as privatised. (not "not for profit") i.e They do not supply free land and build homes at cost. This is government policy. Banks follow the market with interest rates. Fruit prices go up and down with the market. Rents are no different.

The cost of living is high and wages are low here where I live at [REDACTED] and nearby. Expectations are also high and people are generally lazy. Singling out rents is not the solution. Australia is the welfare capital of the world and legislation like this furthers the entitled welfare mentality. Once upon a time we had the concept of a fair exchange in things. Not any more with many people. I offered my tenant the opportunity to do yard work in lieu of rent. Nah. Too lazy.

Removing the right to end a tenancy for sale of the property is ridiculous. The lessor may be in financial difficulty themselves. I have been several times myself and had to drive to Brisbane for work. Very Tiring. No life.

The government seems to view lessors as rich and with infinite resources. Rubbish. Take me. I am just an Australian citizen trying to pay off a huge mortgage. I am 61 and still work full time in trade work even though I have prostate cancer, arthritis, a completely torn right shoulder that needs a reconstruction (I'm still waiting months to see the surgeon) , a wrist with 3 pins in it, a disc bulge at L5 and a knee that also needs work. (Arthritis).

Most of these legislative changes are not well thought out or fair and balanced. Many tenants are smart and know how to use the law to their advantage but act the poor victim when you are listening. Write all legislation with these exploitative parasites in mind.

9.7.2021

John Whittingham

[REDACTED]

From: john whittingham [REDACTED]
Sent: Saturday, 10 July 2021 8:29 AM
To: Community Support and Services Committee
Subject: Housing Legislation Amendment Bill 2021 and the Residential Tenancies and Rooming Accommodation (Tenants' Rights) and Other Legislation Amendment Bill 2021

Re the **Housing Legislation Amendment Bill 2021 and the Residential Tenancies and Rooming Accommodation (Tenants' Rights) and Other Legislation Amendment Bill 2021**

In drafting new legislation you should talk to real estate property managers and owners who deal with tenants all day every day and know the reality. A lot of tenants are victims and tell a good story and whinge a lot but don't do much to help themselves. I had one I offered all sorts of assistance to. I even got him a good trade job in his trained trade that paid really good money and he only went a few times, and then let them down. I also offered him yard work here like driving a ride on mower and spraying weeds but he preferred to just not pay the rent and do nothing.

I don't see any mention of tenants reimbursing owners (lessors) for the costs of removing the stench of someone having smoked in the property in spite of the contract forbidding it (even a tenant's guest smoking even once for a short period is a problem). I have had this problem in a furnished property. After the grubs left we threw out the beds and lounge, washed the curtains and spend 15 hours cleaning with two people. No good; still stunk. Cleaned it again including every possible surface including behind the kitchen drawers, stove and fridge. No good; still stunk. Cleaned it again, tried to get a tenant, prospective persons viewed and turned up their noses and left; still no good. Had to repaint the whole place. Total cost about \$5000 for a small two bedroom cabin a third the size of a house. Building didn't include carpet. Carpet often can't be cleaned so I never use it.

I had a home I purchased 20 years ago to live in. Had the professional carpet cleaners in 3 times to try to get rid of the foul dog smell in a carpeted bedroom. No good. Had to rip it out, and put a lacquer over the timber floor under the carpet underlay, and replace the lot. Cost of this sort of work is at least \$1500 to \$2000 per room. The bond doesn't cover it. Sometimes the tenants kids ride their bikes inside and tear big chunks of wall corners out with the pedals.

Cost to repair huge. Cut out the metal plaster corners, replace, reset, replaster and repaint. There are quite a few tenants who tell a good story when they apply but are shockers with disrespecting the property later (or have others with them later that you don't meet initially who are terrible). It is important to get these out asap and fix the place up and get a respectful reliable tenant. There are quite a few tenants nobody wants to rent to for a reason. The messy way they live they need to be living in their own place even if it is a caravan.

The government appears to be trying to transfer responsibility for housing poor quality tenants onto the private sector. The solution is to build a lot more housing commission properties and make them solid and hard to damage. I leave it up to tenants to provide all

their own soft furnishings including floor rugs now since these absorb odours and marks and have to be tossed out each time one goes. Then they have an interest in the place and treat it better. Of course sometimes I get a good tenant and they stay a long time. I know someone who spent \$18,000 last year repairing their rental property after they eventually got a bad tenant out. Obviously the bond needs to be significant, but the tenants just use it up in effect by stopping paying the rent toward the end. And you guys help them by making it take a long time to get them out. The qcat and court system needs to be **funded to the extent** where the process is: 8 days for form 11, 8 days for form 12, qcat urgent form 2 processing 2 days, wait for court 3 to 5 days. Then one week to leave or police. Tenant out for rent arrears in around a month. Rent arrears taken from bond. Therefore the bond must include a month's rent plus repairs and cleaning fees so bond = 8 weeks rent. Of course the tenant knows right at the form 11 point that they are either paying the rent or leaving so they really have a month's notice. If the system is going to take 3 months to get a tenant out (adding up all the system delays) the bond needs to be covering this. So in that case bond = 16 weeks rent. There could be a system where the tenant who can't pay the rent applies to the government for assistance so they are in effect borrowing it from you instead of me, since I still have to pay the bank their money every month. Then they can get mental health assistance if necessary and other services.

Paying the mortgage is what the rental property is for. To channel money to the bank for the mortgage. Providing housing it's secondary purpose. Remember that! We don't have magic money grown in the garden by cute little leprechauns to pay the bank as it sometimes seems the government thinks!

John Whittingham

