

Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Bill 2024

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To Whom It May Concern:

Before changing the laws again please consider the following:

1. Landlords are selling off their investment properties 'in droves'. I do not know how these laws will improve the rental availability of homes to tenants. Approximately 70% of our rental properties sold have gone to home owners.
2. Property managers are leaving the industry on mass. How do these laws stop this from happening? Someone has to do the work. The work load for property managers has increased with each new law. In the year 2002 a property manager could manage 200 properties, now it is 90 (and some cannot cope with this many without assistance). Someone has to pay the wages of property managers. If it is the landlord, they have to get this money from somewhere.
3. Putting downward pressure on landlords without downward pressure on interest rates, land rates, insurances etc does not make for a viable investment. Having a rental home is a form of investment. If you did not get good returns from a share portfolio then you sell off the poorly performing ones, would you not.
4. The constant changing of laws frustrates property managers. When the State Government supports the 'RUOK' campaign, it falls way short when the State Government does not consider the mental health of property managers. They are people too.
5. Getting staff is tough, but finding people who want to be a property manager or stay as a property manager is even tougher to near impossible. If Toowoomba Regional Council has 242 vacancies, a government job with benefits and higher pay, how do you entice people to be property managers. I had a landlord who demanded a discount. In all honesty our commission for rental properties are as low as we can go. In the end I said to this prospective land lord that I would put him through to one of our property managers and to get him to tell the property manager why they are only worth 62.5% of their current wage.
6. When you contact the RTA you get inconsistent information. I had a daughter of a friend contact the RTA on three occasions about the same thing and she got two completely different views/advice. Then rang me to find out which one was correct.
7. Give the Department of Fair Trading 'more teeth'. I called the Department of Fair Trading to get them to check the registration of two people claiming to be property managers on the internet. The Department of Fair Trading identified they were not registered, yet no investigation was going to be done unless I put in a complaint. I did put in a complaint once, but the Department of Fair Trading told the other agency who I was, and the amount of retaliation from the other agency was bad to say the least. I have to live in my town.
8. I know of an agency owner where fraud occurred, yet the Department of Fair Trading did not fine the agency owner because the agent/agency paid the money back to the RTA (as bonds), landlords, tradies & tenants. I know the agency owner blamed it on a staff member, as the staff member was supposed to be a licenced agent, BUT they were not when the offence first happened, and in fact they were not until a decent amount of time later. The agency owner was less then truthful, and is still a licenced agent, practicing currently. I have known of other agency owner sentence to gaol where the same amount of money went missing. When agents like this get away with sort of thing it does not send

a good message.

9. Please bring it in that agents and landlords can submit an entry notice via text, and that an agent or owner does not have to hand deliver (use Australia Post) as a method of delivery of a notice.
10. If the RTA states a tenant MUST have an email address, then please make it that all tenants also must have a valid and usable email address during the tenancy.
11. Please make it that a tenant must provide current and up to date contact details. If they do not then they can get fined.
12. When there is illegal activities at a home, please make it that we as agents/property managers/landlords can get a copy of the police report. There are so many illegal activities that could be cleaned up faster if we all work together.
13. Make it a tenants responsibility to obtain a Form 17a from the RTA (either paper or on line).
14. Make it a tenants responsibility to know what their rights and responsibilities are when renting. See the Tenancy Skills Institute about the free training they supply. I think all tenants need to have a certificate from them at the least, before becoming a tenant.
15. Make it if a tenant lies on their application that they are fined or able to be removed from the property due to the lie.
16. Tidy up the 'pets at a property' laws surrounding assistance animal and compare it to the federal laws.
17. If the tenants income is reduced by more 10% than they need to contact the agency/landlord or Rent Connect (Qld State Government) for assistance.
18. If tenants get rent assistance from the Federal Government then this money IS to be for rent and go directly to the agency**.
19. Dogs that bark all day and all night. Don't fob this off to the Council. It is not working. PLUS now there are more dogs at tenanted properties, since the law change, and all these dogs are setting each other off at all times of the day and night. Since amalgamation of Councils, and the distance between towns to the main animal management location, this problem has become really BAD.
20. Animals in high rise buildings and lifts. My grand-child was mauled (and hospitalised) by a dog and goes into panic mode when near them. Does the owner or mental health of an animal owner have more rights than a child, or another human who for example has allergies?
21. Remember not all animal owners are responsible.
22. Please make sure that whoever makes the changes actually reads the RTRA Act, the intent of the current act, and the regulations before making the changes. E.g. On line RTA Form 4 appears not to be an approved form as it is vastly different to the paper RTA Form 4.
23. The Tenants MUST return the home back in the same condition as it was given to them less FAIR wear and tear at the END of the lease. After the lease ends it should not be the agent/property manager or owners responsibility to organise outstanding work, and not be paid to organise it. The tenant should be paying for us to organising it and paying rent during the rectification period that was their responsibility. The tenants know well before their 2 weeks' notice is given, that they need to organise tradies. For us in property management it is near impossible to organise such things as carpet cleaning, bond cleaning, pest control in a couple of days (it might be different in Brisbane where there are more tradies).
24. Please stop using members at QCAT, and use magistrates. Also see below to reduce court costs.***

So to comment on your changes:

Bond processing: If a owner/property manager has to substantiate the claim, then so does the tenant. Too many times I have put in a claim on the bond to find the tenant has already put in a claim and not met their tenancy obligations, including outstanding rent. The RTA & Qld tenants unions tell tenants to claim the bond when the vacated day arrives (as stated in the RTRA Act). Also, the Tenant should be fined, just as owners and real estate agent can be for providing false and misleading information. Tenants MUST engage in any dispute resolution requested (Conciliation with RTA). An unacceptable number of tenants refuse to participate thus causing unnecessary court action and time.

***My suggestion is that bond is not released or 'up for refund' until at least 10 business days after the lease ends, and if anyone wants to make a claim, then conciliation with the RTA MUST occur first, with both parties. (also make it more clear when a lease ends). I also suggest the State Government continues with the current bond loans (to everyone) and when the bond is returned, then this will pay off the new bond loan. I am assuming the cost of doing this would be much cheaper than QCAT and court costs (eg court staff time from receiving/processing documents and attending at court & judges time etc).

Tenants privacy: I do agree with longer notice periods. But, prospective new tenants, buyers and landlords won't agree and it definitely won't stop Landlords simply turning up to a property, knocking on a door and asking to come through. The tenant won't say no as they don't want to be thrown out at the end of a lease, or want a bad reference. You will also need to look at how long we have to keep certain information on tenants with regards to other Acts we must adhere to and insurance company requirements. Also, if a tenant wants a reference we need to retain information on them. (and some tenants get really mad if you don't/can't give them a reference).

Tenancy application: I think the current REIQ applications have served the industry well for the last 20+ years. I would also like the application to include how pets will be housed at the home, for animal husbandry reasons (humanly housed). If you have ever been to a home with dead and near dead animal you will know where I am coming from. I also don't think we should have to give an 'entry notice' (aka Form 9) to enter a property for an animal in distress. And, that dobbing in a tenant to the RSPA should not be a breach of privacy by giving the tenant's details to the RSPCA/police/council. Please consult property managers before setting the application form into law. For example some tenants give their last two places of residence but it only adds up to 3 months or less. This does not reflect two true tenancy periods. We currently ask for up to 3 years' worth of tenancies to gauge if someone should be given the responsibility to care for an asset of half a million dollars or more.

Yes, please abolish the on line applications only stance.

I agree on the re-letting cost being limited depending on the amount of time left on the lease.

A rent payment free option: Please do not allow cash for rent payments as the only free fee option. The number one historical reason for tenants not paying rent was 'someone stole my rent money'. This form of theft reduced to nil after we said we would not accept cash. Please talk to the Banks, as they are wanting to phase out cheques (fee free option). Good luck finding a free option as everyone (banks, third party transfers) wants to charge. Don't make this our problem (landlord or agency). Remember the owner will have to recoup this cost too if they have to 'suck up' the cost. The State Government should have a solution first before enforcing it.

Maybe something new. **also see above with regards to rent assistance from the Federal Government. I contacted the Federal Government about this direct payment but they said no. Funny how they make the laws but don't not want to make a law about this payment. I think if a recipient receive a payment for the reason of 'rent assistance' it is fraud if the payment is not

made for this reason.

Please, please, please consult front line property managers to get a true indication of what is needed and what is not needed. Most of us do the right thing and want to do the right and fair thing. But there are also a few too many 'mavericks' (landlords & property managers & agency owners & not for profit advocates) out there who tarnish the industry by not following the laws or the intent of the laws.

Also, I hear in your release, a lot about the tenant's rights and looking after tenants, but like all decisions we make as people of Australia, with our rights come responsibilities and sometimes consequences. I don't see any consequences for the tenants who do the wrong thing.....which brings me back to essence and the start of my email.....WHY WOULD YOU WANT TO BE A LANDLORD CURRENTLY?

As I have said in many emails over many years to current housing portfolio members of parliament, I am here to discuss housing issues further.....but you know, no one has ever bothered to take up this FREE chat. I have nearly 20 year experience in the property management sector and even more than this in the real estate industry. I recently ran to be a council councillor as I cannot believe we are now in the 5th year of a housing crisis with no end in sight, yet we have fully functions rural towns with underutilised facilities, that get little to no attention.

Regards

Leanne Westgarth

