

Training Newsletter

Deck And Balcony Safety

NSW Fair Trading has written a practical guide to maintaining safe decks and balconies to try and help avoid some of the recent accidents that have resulted in death and injury.

Under NSW tenancy laws, landlords must provide and maintain rented premises in a reasonable state of repair.

At the beginning of a tenancy, one of the documents a landlord must give a tenant is a 'condition report'. Any faults or damage, including damage and faults with decks or balconies, should be noted on the condition report that must be completed and signed by both parties.



NSW Department of Fair Trading has produced a guide on maintaining safe decks and balconies

See Fair Trading for more information - [click here](#)



Empty Holiday Rental Unit: Owners Claim Losses From Managing Agent

In a recent decision of the Civil and Administrative Tribunal NSW, owners of holiday units at Pottsville Beach, north of Byron Bay, applied for an order of almost \$10,000 from their managing agents. The holiday unit had sat empty for 6 months after the Managing Agency Agreement was signed. The owners said this was because they were not advertised widely enough. The Tribunal found in the agent's favour. Although the units were only advertised in the agent's window and on realestate.com.au this was exactly the advertising agreed to by the owners in the Agency Agreement.

To read more see the full decision:

Sheryl and David McMullen v Pottsville Beach Real Estate Pty Ltd (2014) NSWCATCD 12



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Granny Flats in Sydney

Over one thousand granny flats were approved in Sydney in the last financial year.

Some are built for grandparents or teenage children. Others are built for the rental income they provide.

Do they add value to a property? It's difficult to tell.

See the Sydney Morning Herald article – [click here](#)

Marketing 'Off The Plan' Developments

NSW Fair Trading has recently had a spike in complaints about 'off the plan' developments and are reminding agents that when you are involved in these sales you are not allowed to:

- Advertise a property that is less expensive than other similar properties, if the advertised property is no longer available.
- Indicate a price range for a property if the lower end of the range is significantly less than the value of the property.
- Hold onto an expression of interest payment if the customer is not successful in purchasing the property the payment is for.
- Apply high pressure tactics on customers to purchase another, more expensive property, if the property is no longer available.

For further information [click here](#).

Residential Tenancy Disputes

NSW Fair Trading provides a free dispute service for tenants, residents, landlords and property managers with

tenancy related disputes. The service is a voluntary process between parties and the dispute resolution is assisted by an experienced Fair Trading Officer who will aim to resolve disputes through mutual agreement.

Fair Trading can help solve disputes about:

- Non-urgent health and safety issues
- Alterations to premises
- Access to premises or inspections
- Non-compliance with tenancy agreement
- Water saving devices and smoke alarms
- Provision of correct notices
- Ending a tenancy or breaking a lease
- Condition reports

To read more [click here](#).

Property Manager Jailed For Stealing From Employer

Do you have procedures in place to check whether invoices for work being done on managed properties are genuine? A former manager at a real estate agency in Victoria has been jailed for 15 months for misappropriating \$580,000 from his employers by submitting invoices from fake contractors. To read more on this

case [click here](#).

Resident Letting Agent and Company Fined \$418,716

A resident letting agent and company have been fined \$418,716 after the Queensland Office of Fair Trading brought disciplinary proceedings for keeping expenses from unit owners that they were not authorised to retain and for failing to disclose conflicts of interest to unit owners. The agent and his company have also been disqualified from obtaining or renewing their Resident Letting Agent Licences by the Queensland Civil and Administrative Tribunal.

The company was found to have breached the Property Agents and Motor Dealers Act 2000 on 1,135 counts by overcharging for credit or charge card transactions, agent's commissions, or charging fees and commissions without authority. They also breached the Act on 11 occasions for failing to disclose to unit owners entering the letting pool, it had interests in other units in the pool. To read about this case in more detail please [click here](#).

Australia Property Market Named One Of The Hottest In The World For Property Growth

The Knight Frank Global House Price Index has named Australia's property market as one of the 10 hottest in the world for growth. It has ranked Australia's property price growth over the last year as the 7th strongest internationally following an annual increase of 10.9%.

Chairman of CBRE Residential has said that Australia's location on Asia's doorstep and the restricted development opportunities in the nation's cities were prime drivers for price growth. He has predicted that Australian house prices will continue to grow between 5-7% for the next 5 years.

The leading countries for prices growth in the KFR Index were Dubai (27.7%), China, Estonia, Turkey and Taiwan. Croatia, Cyprus and Greece were at the bottom of the index. To read the full article [click here](#).



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