

April 2023

# Landlord

NEWSLETTER

**INFORMATION  
LANDLORDS  
SHOULD  
KNOW**

**DURING A TENANCY**



# Starting a Tenancy

## 1. Rental Bond

- A rental bond or key deposit is a security deposit a tenant pays at the start of a tenancy.

## 2. Rent Payments

- Rent can be paid using several approved options which must be stated in the tenancy agreement.

## 3. Entry Condition Report

- The Entry condition report records the condition of the property at the start of the tenancy.

## 4. Charging For Utilities

- Tenants usually pay for services such as electricity, gas, phone and internet. They may also be charged for water (conditions apply).

## 5. Locks and Security

- The property manager/owner must ensure the property is 'reasonably secure', supply and maintain all locks and provide the tenant with keys. Keys include electronic key cards, swipe cards and remote controls.



# Breach of The Agreement

*A breach of the tenancy agreement is when the property manager/owner or tenant fails to comply with any part of the agreement*

## When There is a Breach

The property manager/owner and tenant should discuss the breach and try to work out a solution (e.g. work out a repayment schedule for rent arrears, or agree on how damage can be fixed).

If this does not work a Notice to remedy breach (Form 11) may be issued. The notice informs the other person there is a problem or dispute and asks for the situation to be fixed within a specific timeframe.

The Notice to remedy breach (Form 11) is used during the tenancy where either the tenants or the lessor/agent claim that there has been a 'breach' of one (or a number) of terms of the residential tenancy agreement.

## Disputing a breach notice

If the property manager/owner and tenant cannot agree about the breach, or if there is a dispute over whether the notice should have been issued, the property manager/owner or tenant may apply for dispute resolution assistance. If the matter remains unresolved they may make a non-urgent application to QCAT.

## Disputing a breach notice

If the problem is fixed by the expiry of the breach notice, no further action is required.

### Tenant

- If a Notice of intention to leave has been issued and the problem is remedied after the notice is issued, the tenant can continue to end the tenancy or withdraw the notice. This must be done in writing before the end of the notice date.

### Property owner

- If a Notice to leave has been issued and the problem is remedied after the notice is issued, the tenant can ask the property manager/owner if they can continue the tenancy, the owner is not obligated to withdraw the notice but should consider all outcomes.



# Minimum Housing Standards

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Minimum housing standards will come into effect for new tenancies from 1 September 2023, and for all tenancies from 1 September 2024. Minimum housing standards aim to ensure all Queensland rental properties are safe, secure and functional and provide tenants, residents, property managers and owners more clarity around the maintenance obligations for rental properties.

## What are minimum housing standards?

Minimum housing standards specify that rental properties must:

- be weatherproof and structurally sound
- be in good repair, with fixtures and fittings (such as electrical appliances) that are not likely to cause injury through normal use
- have functioning locks or latches on all external doors and windows that can be reached without a ladder
- be free from vermin, damp and mould (this does not include cases where the vermin, damp or mould has been caused by the tenant)
- include curtains or other window coverings, which provide privacy in rooms where the tenant might reasonably expect it, such as bedrooms
- have adequate plumbing and drainage and be connected to hot and cold water that is suitable for drinking
- provide privacy in bathroom areas and have flushable toilets connected to a sewer, septic tank or other waste disposal system
- have a functioning cook-top, if a kitchen is provided
- include the necessary fixtures for a functional laundry, such as tap fixtures and adequate plumbing, if laundry facilities are provided. The laundry does not have to include a washing machine or other white goods, as these may be provided by the tenant.

## Does a rental property need to meet minimum housing standards from 1 September 2023 if an existing tenant renews their tenancy after that date?

Yes. The 1 September 2023 introduction of minimum housing standards for new tenancies apply to all new tenancy agreements. This includes tenancy agreements which are being renewed, even if the existing tenants are staying at the property.

## What does weatherproof and structurally sound mean?

Weatherproof means the roofing or windows must prevent water from entering the premises when it rains. Structurally sound means the building must be safe for the tenant to live in. The walls, ceiling and roof must be in good condition. They must not be likely to collapse or be affected by significant dampness. Decks and stairs must also be safe and not affected by rot or defects.

## Will all external doors and windows need to have locks or latches for the property to meet minimum housing standards?

To meet minimum housing standards, all external windows and doors at a property will need to have functioning locks or latches to secure the premises against unauthorised entry. This applies only to windows and doors a person outside the premises or room (for rooming accommodation) could access without a ladder.

Each property should be assessed on a case-by-case basis. The main focus should be on ensuring the rental property is secure and that reasonable measures have been taken to meet safety and security requirements under the legislation.

## Will every room in the rental property need to have a blind, curtain or other privacy covering to meet minimum housing standards?

Privacy coverings must be provided in rooms where the tenant might reasonably expect it, such as in bedrooms. Privacy coverings can include blinds, curtains, tinted windows, and glass frosting. Privacy coverings are not required for windows which are blocked from outside view by a fence, hedge, tree or other feature of the property.

## Who is responsible for mould, damp or vermin during a tenancy?

If mould, damp or vermin appears in a rental property during the tenancy, the tenant should notify the property manager/owner as soon as they are aware of the issue.

If the issue is caused by problems with the structure of the property, the property manager/owner is responsible for fixing it and making any necessary repairs. Examples could include mould caused by a leaking roof or a termite infestation in the walls. The property manager/owner is also responsible for fixing any issues that are caused by reasonable use of the property. Examples would include a leaking shower which cannot be turned off or a stove top that does not work.

If the issue is caused by the actions of the tenant, the tenant is responsible for any necessary repairs. Examples could include mould caused by the tenant allowing steam to build up in a bathroom and not properly ventilating or cleaning the area, or a vermin problem which may have been caused because the actions of the tenant attracted the animals to the property.

<https://www.rta.qld.gov.au/rental-law-changes>

# Events That Impact The Agreement During a Tenancy

Circumstances may change at any time for tenants or property owners/managers that may impact a rental agreement. While good communication is the key to resolving most problems, it's important to know your rights and responsibilities should a serious problem occur.

## Change of house mates or property manager/owner

There may be changes to the people involved in the tenancy agreement during the tenancy. Find out who you need to talk to about the tenancy changes and any paperwork that is required.

## Property becomes unliveable

A property becomes unliveable when it:

- is fully, or partially, destroyed (e.g. due to a natural disaster)
- can no longer be used lawfully as a residence (e.g. building is condemned) – contact the relevant authority (e.g. local council) for more information.

The unliveability of a property must be considered on a case-by-case basis.

## Natural Disasters

Queensland experiences more natural disasters than any other state in Australia. Extreme weather conditions such as hail, rain, flooding, lightning and wind can be unpredictable and may cause major damage to a property. Find out what you need to do should a natural disaster occur.

## Domestic violence in a rental property

Every person has the right to feel safe and live free from violence. Which is why ending domestic and family violence is a community responsibility. A person who experiences domestic violence in a rental property has rights under tenancy law, even if they are not named on the tenancy agreement.

## When a Property is For Sale

### Fixed Term Agreements

If the tenant is on a fixed term agreement, the property manager/owner cannot make them leave because they decide to sell. The tenant can stay until the end of their fixed term, and the new owner will become their property owner. Sometimes a property manager/owner will negotiate with a tenant to end the agreement early and offer some form of compensation.

### Fixed Term Agreements

If the tenant is on a periodic agreement, and the purchaser does not want to continue renting the property (i.e. they want vacant possession of the property), the property manager/owner must give the tenant a Notice to leave (Form 12) that must allow at least 2 months notice after the contract of sale is signed.

### Fixed Term Agreements

If the property is advertised for sale or the property manager/owner enters to show the property to a prospective buyer during the first 2 months of an agreement (including a new agreement), and the tenant was not given written notice of the proposed sale before entering into the agreement, the tenant can end the agreement by giving a Notice of intention to leave (Form 13) with 2 weeks notice.

The tenant must give the property manager/owner the notice within 2 months and 2 weeks of the start of the tenancy.



# Rent stabilisation to give Queenslanders who rent a fair go

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The Palaszczuk Government will limit rent increases to once a year to give a fairer go to Queensland renters.

The move is designed to balance the rights and interests of Queenslanders who rent, and property owners, to sustain healthy rental supply.

Reducing the frequency of increases from six months to 12 months is also consistent with most other jurisdictions throughout the country.

It was one of several options for housing policy reform discussed at a Housing Roundtable in Brisbane on March 28th 2023.

The Palaszczuk Government has today also announced an additional \$28 million to continue the Immediate Housing Response Package for another year.

Government will limit rent increases to once a year, \$28 million boost for emergency housing relief, \$3.9 million for food and emergency relief

## **The extra funds will provide:**

- More than 600 emergency hotel accommodation places across Queensland
- Rental and bond support payments to help tenants keep a roof over their head and food relief services help renters put food on the table

The government today also announced a further \$3.9 million to extend and expand food and emergency relief throughout Queensland in 2023-24.

That includes \$3.3 million to continue the provision of emergency relief supports, including vouchers, food parcels and contributions to payments such as electricity bills and \$630,000 for SecondBite and OzHarvest to increase the food relief service they provide across the State.

## **Quotes Attributable to Premier and Minister for the Olympic and Paralympic Games Anastacia Palaszczuk:**

"There are more than a million Queenslanders who rent their homes and every single one of them must be given a fair go.

"A fair go to pay rent they can afford and not be penalised for the cost of living situation all Australians find themselves in today.

"Our government will act immediately to place a limit on the number of rent increases that can be imposed on tenants each year.

"We will limit annual rent increases to just one.

"The great majority of landlords do the right thing and look after their tenants – but for those who do not, this is a wake up call.

"We must act and will act to deliver reforms that balance the rights and interests of Queenslanders who rent and property owners to sustain healthy rental supply."

## **Quotes attributable to Minister for Communities and Housing Leeanne Enoch:**

"The housing pressures we're seeing aren't unique to Queensland and are being experienced by all the States and Territories.

"As a growth state with a growing population, Queensland has a huge need for housing – particularly more housing.

"We're getting on with the job of building more social housing through a record \$3.9 billion housing budget and our \$2 billion Housing Infrastructure Fund.

"Since July 2021, when we announced our second Housing Action Plan, we have completed 816 new social housing builds under our QuickStarts program – with a further 588 currently under construction and more in the pipeline.

"That means that we have completed more than one new social housing home every day since July 2021.

"We're on track to deliver 13,000 new social housing commencements by 2027 and we are also investing \$166.3 million in specialist homelessness services in 2022-23.

"As a government, we will work with stakeholders to deliver more social and affordable housing, support tenants and tackle homelessness."

## **Additional housing announcements made today, includes:**

- "\$5.91 million to help unlock 5600 lots in Ripley Valley by delivering road infrastructure for the Ripley Valley Priority development area
- \$600,000 to work with the Local Government Association of Queensland to develop 38 Local Housing Action Plans with Queensland local governments, on top of the 22 plans being developed with the Western Queensland Alliance of Councils.
- Land tax concessions for Build to Rent developments that provide a minimum affordable housing component
- Deliver a second QBuild Rapid Accommodation and Apprenticeship Centre in Far-North Queensland to further support delivery of state-of-the-art factory built homes for use as social and government-employee housing
- Launch an Opportunities Portal for proposals that have the potential to deliver new housing stock.

# Just Sold

## 22 Mooroondu Road Thornside

### Jason Bedwell

Jason has developed an enviable track record of performance, plus he brings a high level of negotiating ability and marketing expertise to the table. The difference is with this combination of skill and experience he constantly creates outstanding results for his clients.

Jason is a fully licensed Real Estate Agent at Macwell Property, a Property Auctioneer and trainer for the REIQ.

### Just Sold Campaign

I wanted to let you know that we have now sold 22 Mooroondu Road, Thornside under the hammer.

During the campaign we experienced incredible buyer demand resulting in:

3,126 Web views

33 Email and phone enquiries

59 Buyer Inspections

25 Days on market (list to auction day)

4 Offers prior to Auction

7 Registered Bidders

17 Individual bids at auction

\$325,000 added through competitive bidding

Final sale price of \$825,000

SOLD at Auction.

If you're thinking of selling, and even if you're not quite ready yet, we'd love to see

your home, to give you an idea of its value so you can make some better decisions for the future.

Please call me on 0403 792 116 to arrange a suitable time.

### What 22 Mooroondu Road Thornside had to offer

22 Mooroondu Road is a warm family friendly home perfectly located on a large allotment nestled into beautiful Mooroondu Point! Live in one of the Bayside's most pleasant and tightly held pockets with the average holding time for this location exceeding 2 decades. Testament to the quality of lifestyle and convenience offered to you with this position.

Features include...

- \* Fully fenced 759m2 block with drive through access to a Large Level Backyard
- \* Positioned Perfectly near Beth Boyd Park and Waterloo Bay Esplanade
- \* Only 250m to the Tingalpa Creek boat ramp
- \* Close to Birkdale Fair Shops + Coffee shops + Restaurants and more
- \* Just 50 Minutes by rail to Brisbane Central Station
- \* Beautiful bay breezes, a feeling of space, an abundance of natural light
- \* Too much to list here ...

<https://macwell.com.au/staff/jason-bedwell/>





**GET STARTED WITH STRESS  
FREE PROPERTY MANAGEMENT**

**1**

Create a  
management plan

**2**

We manage your  
property and keep  
you in the loop

**3**

Sit back, relax and  
watch your nest  
egg grow

2/125 Old Cleveland Rd  
Capalaba QLD 4157

07 3180 3209

[service@macwell.com.au](mailto:service@macwell.com.au)

[macwell.com.au](http://macwell.com.au)