



Property Management Specialists

Quick Guide: **Avoid Landlord Penalties**

Do you know your obligations? See our quick guide to make sure you know these amendments!

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Avoid Landlord penalties with this quick breakdown

The Residential Tenancies Amendments Act 2020

The Residential Tenancies Amendments Act 2020 made a significant impact on landlord's responsibilities and the way they must operate their rental properties and tenancies.

100 new amendments to the existing Residential Tenancies Act came into force in **February 2021**. Most of the changes are entirely manageable, and will ultimately create the framework for a more secure renting environment for landlords and tenants alike.

This summary serves as a quick guide to highlight some of the key changes that have most recently come into effect, and explain what these will really mean for residential landlords. We encourage all landlords to seek out further information to help them understand their full obligations. Uno Property Managers are here to help you navigate leasing your property - whether you are a new or a seasoned investor.

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New Landlord Obligations:

RESIDENTIAL TENANCIES AMENDMENT ACT 2020

- **SECTION 15**

If there is a change of ownership of the rental, the landlord must notify the tenant. Failure to comply could incur infringement offenses ranging from \$500 to \$2,000.

- **SECTION 16**

If there is a change of the landlord's name, contact address for service, email, or phone they must notify the tenant. Infringements offences can range from \$500 to \$2000.

- **SECTION 22F**

A landlord is prohibited from advertising or offering a property for rent unless the amount of rent is stated in the advertisement or offer. This is to stop rental bidding. Infringement offences can range from \$500 to \$2,000.

- **SECTION 24**

Rent Increase Restrictions. Rent increases are limited to once every 12 months from the beginning of the tenancy and no sooner than 12 months after the last increase took place.

New Landlord Obligations

RESIDENTIAL TENANCIES AMENDMENT ACT 2020

- **SECTION 47**

A landlord must notify the tenant when placing the property on the market. The tenant must be told if:

1.) The landlord has listed the property for sale with an agent. 2.) The owners want to show the property to a phantom buyer without it being placed on the market. However, once it has been shown for sale to one person then it is “on the market for sale”. 3.) If there is a change of ownership of the rental, the landlord must notify the tenant. Failure to comply could incur infringement offences ranging from \$500 to \$2,000.

- **SECTION 48 (38)**

The landlord must notify or provide the results of a contamination test to a tenant within seven days of their request for the results. Infringement offence range from \$500 to \$2,000

Making Minor Changes to a Rental

RESIDENTIAL
TENANCIES
AMENDMENT ACT 2020

SECTION 42A

Tenants fixtures have been changed and landlords can no longer simply refuse tenants' wishes to do renovations, fixtures, alterations, or additions.

1. Landlords may place reasonable conditions on their own consent.
2. If the tenant requests consent in writing the landlord must reply within 21 days.
3. In the reply, the landlord must indicate whether it is minor in nature or not.
4. If it is not minor, and they need more time to consider the request, they can extend the time for responding.
5. Ultimately, they must reply in a reasonable time frame.
6. If the landlord fails to respond, this constitutes an unlawful act.

Tenant's obligations – they must return the premises to a similar condition.
Failure todo so is an unlawful act.

Penalties can be up to **\$1,500.**



Making Minor Changes to a Rental

RESIDENTIAL TENANCIES
AMENDMENT ACT 2020

SECTION 42B

A minor change must be:

1. Low risk.
2. Be reinstated easily
3. Not pose risk to health and safety
4. Not compromise structural integrity, weather-tightness, or character of the building
5. Have no negative effect on the use of the outside premises
6. Not require any regulatory consent
7. Not breach any covenant, obligation, or restriction.

Tenant's obligations – they must return the premises to a similar condition.

Failure to do so is an unlawful act.

Penalties up to **\$1500**



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Healthy Homes Information Request

RESIDENTIAL TENANCIES
AMENDMENT ACT 2020

SECTION 45 (2)

If a tenant requests information to ensure the rental property meets Healthy Homes Standards, the landlord must provide it to the tenant within 21 days. EG: a Healthy Homes Assessment, and receipts for work completed to get the property compliant.

Failure to provide this information to the tenant could result in a penalty of **up to \$2,000.**

Notable increase in exemplary damages - If a landlord fails to meet obligations in respect of cleanliness, maintenance, smoke alarms, Healthy Homes Standards, buildings, or health and safety requirements, they can be liable for exemplary damages of **up to \$7,200.**



Fibre Internet

RESIDENTIAL TENANCIES AMENDMENT ACT 2020

SECTION 45 (b)

The landlord must permit and install fibre internet if four conditions are satisfied:

1. There is no fibre at the tenancy
2. It is possible to install the fibre
3. The tenant requires fibre, and
4. The fibre can be installed at no cost to the landlord.

The landlord is not required to install fibre if:

- It might compromise the structural integrity of the premises, or
- Installation would breach a legal restriction such as: A council bylaw; Planning matter; Body Corporate rules; A covenant (on the title).

SS. 3 : Landlords must take all reasonable steps to comply.

SS. 4: Landlords must respond within 21 days

SS. 5: Landlords must respond within 21 days to network operation.

Landlord penalties – **up to \$1,500.**



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Disclaimer

The information contained in this document is of a general nature. It does not constitute legal advice nor does it take into account the specificity of each tenancy situation. Before acting on any of the information you should consider its appropriateness, having regard to your own circumstances. All information presented is correct at the time of publishing (Sept 2021)

Contact Us

Need help with all your obligations as a Landlord? There are a lot of recent amendments to rental property obligations. Our team of Property Management experts are knowledgeable experts who can help you manage compliance and help you maximise your income.

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The logo consists of the letters "UNO" in a bold, blue, sans-serif font, centered within an orange teardrop-shaped background.