



Fact Sheet 2) Damage to property and property maintenance

Black Community Housing Service (QLD) Ltd. (BCHS) is committed to providing accessible and sustainable tenancy management and assistance services. We strive to provide access to affordable housing that will enable Aboriginal and Torres Strait Islander families to position themselves to transition over time into long-term and mainstream housing markets. Providing support and assistance to clients in understanding and meeting their tenancy obligations is a subsequent priority, to support current and future housing, social and economic aspirations for Indigenous individuals and families.

What are my lessor/agent's responsibilities?

It is your lessor/agent's responsibility for the repair and maintenance of your home during your tenancy.

When you first move in, it is the lessor/agent's responsibility to ensure that the premises are:

- In good repair;
- Clean;
- Reasonably secure; and
- Compliant with laws relating to health and safety

You and your lessor need to complete an Entry Condition Report form at the start of your tenancy to record the condition of the home (Note: this is only applies in rooming accommodation if a bond has been paid). The Entry Condition Report is a good opportunity to make note of any existing damages that may need repair. You should also make note of any existing wear and tear to the premises, such as scratches or stains, for both your and the lessor's records. The lessor will also keep records of this at the time that you move in.

What are my responsibilities as a tenant?

You are responsible for keeping your home clean and tidy. Think about how it was when you first moved in and keep it up to that standard.

Tenants are responsible for the maintenance of the yard – including trees, lawn and no build up of waste.

Similarly, when leaving the property, it is your responsibility to return the home to the standard it was in when you first arrived.

General wear and tear during your tenancy is not your responsibility. It is very important that if you notice damage or a problem in the home, you notify Coulson's Real Estate for BCHS to approve and repair works as soon as possible.

If you have damage or maintenance issues to report to your lessor/agent, things to consider and steps to take include:

- Call or speak to Coulson's Real Estate as soon as possible and try to negotiate to have the repairs done within a reasonable time frame. They will coordinate with BCHS depending on the size and scale of the works to obtain approval as required to enable timely completion.
- Another option is you can prepare and provide Form 11 to Coulson's, which is a Notice to Remedy Breach. The form should describe the problem that needs to be fixed and indicate an appropriate timeframe within which it should be remedied (a minimum of 7 days is required).
- If you have tried either of the above measures and your lessor/agent fails to complete the repairs within a reasonable period of time, you can lodge a Form 16 – Dispute Resolution Request with the RTA.
- Remember to keep copies of all of your paperwork between you and your lessor/agent. It can be used as evidence if you are making a dispute.

It is very important that you, other household members and any visitors, do not maliciously or intentionally damage the premises. If you, a household member, or a visitor deliberately damages the home, the full cost of repairs is your responsibility.

If you do not alter your lessor/agent to the damage it may be noticed in one of your routine inspections. If this is the case, you will be issued with a Notice to Remedy Breach requesting that you repair the damage caused.

If you have a notice to repair the damage and the cost is greater than 1 weeks rent, the lessor/agent can issue you with an Entry Notice to inspect the premises. This is to allow them to check if the damage has been fixed. The notice can only be issued within 14 days after the remedy period stated on the Notice to Remedy Breach ends.

What if I want to make any changes or add fixtures to the premises?

You must not make changes or add fixtures to the premises, unless you have a written agreement to do so between yourself and the lessor/agent.

You can apply to Coulson's to make a change or add a fixture, with approval then dependent on endorsement from BCHS. If it is approved, then you must develop a written agreement that includes the following information:

- What the agreed changes are;
- Whether or not you will undo the changes/remove the fixture(s) when you leave the property;
- If you are leaving the changes/fixture(s) when you finish your tenancy, and if you will be compensated; and
- If you remove the change/fixture(s), who is responsible for the cost and fixing of any damage caused by the removal.

If a dispute arises, you can seek assistance from the RTA Dispute Resolution Service.

Please note that if you need to alter your home due to a disability or impairment, section 84 of the *Anti-Discrimination Act 1991 (Queensland)* will apply. This means that your lessor/agent cannot discriminate against you to allow reasonable alterations, provided the following occur:

- You pay the expenses of the alteration;
- The alterations do not require any changes to another premises; and
- You agree to restore the premises to its previous condition before you leave the property.

What do I need to know about damage and maintenance if I have a Tenancy Agreement with BCHS?

All BCHS tenancy agreements comply with current legislation and RTA standards. Similar to other agreements, as a tenant of BCHS you are responsible for the full cost of any damage that either you, a household member, or a visitor cause. BCHS can take action to end tenancies for deliberate and reckless damage to property.

BCHS is only responsible for repair of general wear and tear in the property. It is important that you notify Coulson's Real Estate promptly about any repairs or maintenance work required. The problem will be at risk of worsening if you don't.

If you, a household member or a visitor have caused the damage, you can either organise to have it fixed yourself, or contact Coulson's to have them coordinate with BCHS to arrange for the repairs. If BCHS arranges for the repairs, you will have a debt applied to your account amounting to the total sum of the repairs.

If you do not know how damage has occurred, or if the damage was caused by a break-in, contact your nearest Police station. You will need to lodge a report and then contact Coulson's who will inform BCHS. You will need to

provide a Police report incident number for Coulson's and BCHS' records, so make sure you keep a copy of all paper work.

I have some other questions or need more information

If you have any questions or require further information regarding damages and maintenance, then please contact Coulson's Real Estate. It is very important that you thoroughly understand your responsibilities as a tenant, and the responsibilities of your lessor/agent.

Coulson's Real Estate:

Email) Kerry@coulsonrealestate.com.au

Phone) 07 3372 9666

Note: Other tenancy factsheets are available via the BCHS website (www.blackcommunityhousingervice.org)