

Landlord Checklist

Is your property compliant?

Items that need to be checked for compliance prior to a tenant moving into your property:

Smoke alarms

Smoke alarms need to be serviced and batteries changed

Water efficient devices

If your tenant is being charged water usage your property needs to be water efficient.

Window and balcony safety

Each year, around 50 children fall from windows or balconies in Australia. Many suffer serious injuries. Sometimes these falls are fatal.

There are a number of simple, common sense steps you can take to reduce this risk. For example, move furniture away from windows and balustrades, and fit locks or guards to windows so they cannot be opened more than 12.5cm, except by an adult.

Falls occur more often in the warmer months when families leave windows and doors to balconies open during the day and at night. Do not rely on flyscreens to prevent your child from falling out of a window.

Fair Trading has produced two short videos about window safety presented by DIY guru and TV personality, Rob Palmer. They include easy step-by-step instructions on how to install window safety devices yourself. The NSW tenancy laws require landlords to provide and maintain locks and security devices to make the premises reasonably secure. Landlords cannot unreasonably refuse permission for tenants to make minor changes to rental premises, such as installing child safety window locks. Go to the Window and balcony page on the Fair trading website for more information.

Pool safety

If the property you are renting has a swimming pool, you need to check that the pool fence is in good, working condition. Landlords must meet the standards in the Swimming Pools Act 1992. This requires most pools to be surrounded by a fence that separates the pool from the house. Please visit the pool safety checklists page on the swimming pool register website for further information.

Landlords are required to register the pool with the NSW Government Swimming Pool Register. From 29 April 2016, landlords will also be required to give tenants a copy of a compliance certificate or an occupation certificate issued within the last 3 years when they enter into a new residential tenancy agreement. This requirement does not apply to lots in a strata or community scheme with more than two lots, as these properties are subject to Council pool inspection every 3 years.

We have qualified tradespeople that will issue a compliance certificate once inspected. If this has not been discussed, please contact our office with your instructions.

If you are organising your own tradesperson, please advise our office in writing confirming when this has been done.

Landlord's Disclosure to Prospective Tenants

Residential Tenancies Regulation 2010

Disclosure of information to tenants generally: s 26 (1) of Act

For the purposes of section 26 (1) of the Act, the following are prescribed as material facts that must not be knowingly concealed by a landlord or landlord's agent to induce a tenant to enter into a residential tenancy agreement:

(a) the residential premises have been subject to flooding or bush fire in the preceding 5 years, Yes/No

(b) the residential premises are subject to significant health or safety risks that are not apparent to a reasonable person on inspection of the premises, Yes/No

Note. *Disclosure under this provision does not affect the legal obligations of the landlord with respect to the residential premises.*

(c) the residential premises have been the scene of a serious violent crime within the preceding 5 years, Yes/No

(d) council waste services will be provided to the tenant on a different basis than is generally applicable to residential premises within the area of the council, Yes/No

(e) that because of the zoning of the land, or other laws applying to development on the land, the tenant will not be able to obtain a residential parking permit (in an area where only paid parking is provided), Yes/No

(f) the existence of a driveway or walkway on the residential premises which other persons are legally entitled to share with the tenant. Yes/No

Disclosures required under Section 26 (2) of the Residential Tenancies Act 2010:

Any proposal to sell the property, if yes when _____ Yes/No

Has a contract to sell the Property already been prepared Yes/No

Has a mortgagee taken action for possession of the Property Yes/No

Has the mortgagee commenced proceedings in a court to enforce a mortgage over the property Yes/No

If you have answered yes to any of these questions, please provide to us in writing within the next 48 hours as we may have to disclose this information to prospective tenants.

