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- Trees
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- Smoke alarms
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- Grounds maintenance

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Landlords, tenants and the law

Under the Residential Tenancies Act, NCCH must provide the premises in a reasonable state of cleanliness and fit for habitation by the tenant. The law also states that NCCH is not to interfere with the services to the premises (eg water or electricity).

We must also comply with all of our statutory obligations relating to the health or safety of the residential premises. NCCH has a responsibility to maintain every property in a reasonable state of repair, having regard for its age and “prospective life”.

The law requires that every tenant not intentionally or negligently cause any damage to the residential premises. The tenant must keep the residential premises in a reasonable state of cleanliness and notify NCCH of any damage as soon as practicable after becoming aware of it.

Leaving the premises

The law also requires that, when leaving premises, a tenant must:

- remove all goods from the premises,
- leave the premises as nearly as possible in the same condition, fair wear and tear excepted
- leave the residential premises in a reasonable state of cleanliness, having regard to the condition of the premises at the commencement of the tenancy,
- remove or arrange for the removal of all rubbish
- return all keys that were provided by the landlord

The actions of others

The law says that a tenant is also responsible for the actions of other people visiting the property, where those people are lawfully on the property at the time.

Costs

If a tenant breaches their agreement, NCCH could charge the tenant for the cost of either repairing or cleaning the property. In serious matters, this can lead to legal action where NCCHC are able to apply to the NSW Civil and Administrative Tribunal (NCAT) for an order for compensation.

OK...but just who is responsible for what?

The law gives both landlords and tenants general responsibilities and obligations in relation to the repair and maintenance of rental properties.

However, it is still not always clear just who is responsible for which type of repairs. Therefore NCCH has its own policies that deal with everyday items, such as:

- Poor TV reception and digital TV aerials
- Keys and locks
- Cleaning of gutters
- Pest control
- Removal or trimming of trees
- Light globes
- Smoke alarms
- Home modifications
- Grounds maintenance

All of these matters can be the subject of disputes between landlords and tenants, so we have given them particular attention.

Our policies in these areas are outlined on the back of this factsheet. We believe that these policies on all these matters meet the standards that the law demands.

SEE THE NCCH DOCUMENT “TENANT RESPONSIBLE MAINTENANCE” FOR FULL DETAILS ABOUT TENANT CHARGES FOR REPAIRS

TV aerials

A working TV aerial connection is considered as an “inclusion” to every residential tenancy agreement between NCCH and our tenants. This means that it is the responsibility of NCCH to ensure that the connection is maintained in working order throughout the life of each tenancy.

However, sometimes we can order a technician to fix a faulty connection, only for them to discover that the connection is in working order. In matters where it is our tenant’s TV which is responsible for poor quality reception, tenants can be charged for the cost of the visit by our technician.

NCCH is not responsible for upgrading existing “analogue” aerial connections to the new digital format.

Keys and locks

By law, NCCH is responsible for ensuring that the property has reasonable security. Tenants will be provided with all keys required for doors and windows (if applicable) at the commencement of the tenancy.

NCCH does not keep copies of property keys. If the keys provided are stolen or lost and need to be replaced, NCCH will charge tenants for the costs of a locksmith attending the property and changing the locks.

Gutters

NCCH is responsible for any repairs that are required to the gutters of all properties.

Tenants are responsible for the cleaning of gutters in separate houses that have their own roof line.

However, If you live in a property that is multi-level, NCCH will generally be responsible for regularly cleaning the gutters.

Pest control

When required, NCCH will treat a property for pests prior to the commencement of each tenancy. The control of pests and vermin is generally considered the ongoing responsibility of the tenant.

The following problems are considered the responsibility of the tenant: black ants; cockroaches; bees; rats and mice; wasps; fleas and lice.

As the landlord, NCCH is responsible for eradicating white ants (termites).

If you have a pest problem and you have lived in the property for less than 3 months, it is likely that NCCH will pay for the costs of treatment.

Trees

NCCH will either trim or remove trees where:

- There is a risk of harm to our tenants or others.
- The property is at risk of damage if we do not do so.

Trees overhanging from a neighbour’s property can be cut back by our tenant. This is generally not the responsibility of NCCH. The trimming of trees less than 5 metres in height is the responsibility of our tenant.

Light globes

At the start of a tenancy, NCCH must ensure that all lights globes have been supplied and are working.

Once a tenant has moved in to the property, the tenant is then responsible for changing their own light globes as required.

Smoke alarms

NCCH will ensure that smoke alarms are fitted at every property. These smoke alarms are serviced every year by a qualified electrician.

NCCH will repair and replace any smoke alarms that are not in working order.

Changing the smoke alarm battery is considered a tenant responsibility.

Where it is noted that a smoke alarm has been disconnected or is not working because it has been interfered with, NCCH will charge the tenant the cost of repair.

Home modifications

NCCH always endeavors’ to assist in the provision of required modifications to its properties, where this can help our tenants who are older or where residents are living with a disability.

If you believe your home requires modifications, please contact your Tenancy Manager to discuss this.

We may require you to provide a professional report, e.g. from an Occupational Therapist, which will outline your requirements.

Grounds maintenance

NCCH has contracts in place for regular garden and yard maintenance at all of its “complexes”. These contracts cover the maintenance of the common areas. The upkeep of private yards and gardens are considered the responsibility of tenants.

Tenants of separate houses and duplexes are responsible for maintaining all the yards and gardens.