



CPD COURSES

Ballina

Sales & Prop Mgmt (AM)
or Strata (PM)

Mon 17th Aug

Sydney

Strata

Thu 20th Aug

Sydney

Sales (AM) or
Prop Mgmt (PM)

Fri 21st Aug

Sydney

Commercial & Retail
Sales & Leasing

Wed 26th Aug

Albury

Sales & Prop Mgmt

Tue 1st Sep

Wagga Wagga

Stock & Station (AM) or
Sales & Prop Mgmt (PM)

Wed 2nd Sep

Castle Hill

Sales & Prop Mgmt

Fri 4th Sep

Port Macquarie

Sales & Prop Mgmt (AM)
or Onsite Residential
Prop Mgmt (PM)

Mon 7th Sep

Mould (a growing concern)

As we travel New South Wales running our CPD sessions for property managers, the most common point of discussion relates to dealing with mould in rental properties. With such a cold winter this year, combined with the wind we have had, mould is an increasing problem for everyone. And this has translated into a problem for property managers, as they deal with complaints from tenants in relation to the mould in their properties. The question most asked is whose problem is the mould and who needs to pay for the rectification – the landlord or the tenant???

In 2014 there were a number of cases before the tribunals that dealt with Section 52 of the Residential Tenancies Act 2010, which are a part of every residential tenancy agreement, and relate to the Landlord's general obligations for residential premises, in particular s52(1) which states that "a landlord must provide the residential premises in a reasonable state of cleanliness and fit for habitation by the tenant".

Many of those cases were specifically dealing with mould and the landlords obligations regarding maintenance and repairs in instances where mould has been reported to the property manager.

Moulds are fungi that need moisture and organic material to grow. When disturbed or dried out, they release spores that can cause illness in some people. They may also cause structural damage if left untreated.

Mould can cause a state of disrepair at rented premises. This can be the result of a breach of the residential tenancy agreement by the landlord or the tenant (e.g. the landlord fails to attend to dampness or the tenant fails to ventilate the premises).

Depending on the cause of the problem, the responsibility for the repair will differ. At what stage though does a property manager have to deal with the mould issue?

The cases before the tribunal in 2014 all tended to have a similar manner in which they were dealt. The tribunal member wanted to see evidence that the tenant advised the landlord or agent, the landlord or agent acted on the advice given and if the tenant suffered some kind of monetary loss, for example from having to replace mattresses, linen, clothes etc then evidence of the cost and the proof that the cost was directly incurred because of the mould issue.

CPD 2 HOUR SEMINARS

(8am - 10am unless otherwise specified)

Full 12 points!!

Campbelltown
Sales & Prop Mgmt
Tue 18th Aug

Gosford
Sales & Prop Mgmt
Thu 20th Aug

Wollongong
Trust Accounting
Tue 25th Aug

Parramatta
Sales & Prop Mgmt
Tue 25th Aug

Goulburn
Trust Accounting
Fri 28th Aug

Wollongong
Sales & Prop Mgmt
Wed 16th Sep

Sydney
Trust Accounting
Fri 18th Sep

Sydney
Strata
Mon 21st Sep

Bankstown
Sales & Prop Mgmt
Fri 2nd Oct

Sydney
Sales & Prop Mgmt
Thu 8th Oct

Sydney
Business Broking
Thu 15th Oct

In no case did the tribunal find that the landlord did not have a duty to fix a mould problem. In no case did the tribunal find that the tenant was at fault for the mould issue. Have a look at some cases where compensation was awarded to the tenant, as well as a lawful termination of lease without penalty to the tenant:

- NSWCTTT 390 (7 August 2013) - The landlord is to pay the tenant the sum of \$1,600.00 immediately.
- NSWCTTT 428 (19 October 2012) The respondents are to pay the applicants the sum of \$2,211.50 for compensation
- NSWCATCD 115 (8 July 2014) - The landlord is to pay the tenant the sum of \$2,274.80 immediately.

So, we return to the major question - whose problem is the mould?

It appears from the determinations made by the Tribunal that the tenant will be compensated if the landlord does not address the matter as soon as it is raised as a concern by the tenant. This means that you (as representative for the landlord) must investigate the matter immediately and take remedial action to ensure the health and safety of the tenants and also to meet the landlord's obligations of s52(1) in terms of providing premises in a reasonable state of cleanliness and fit for habitation by the tenant. In order to minimise the amount that a landlord must pay in compensation, it becomes the agent's duty to act on the issue immediately and undertake removal and rectification of the mould in a timely manner.

Good luck and let's all hope that the weather starts to warm up very soon and our mould issues will decline for another year.

Til next time,

Wishing you every success in your business ventures,
Rosy Sullivan

Have you ever thought about being a trainer?

ACOP are working in collaboration with another
Registered Training Organisation to offer the

Cert IV in Training and Assessment - TAE40110.

This is the essential qualification required if you want to be
a trainer in the adult vocational industry.
Why not expand your skills and knowledge and add that
extra string to your bow and enhance your future career
options.

Course Brochure

CERTIFICATE OF REGISTRATION COURSES

Newcastle

(Dist Ed + 1 day workshop)

Fri 21st Aug

Sydney

(Dist Ed + 2 day workshop)

Sat 22nd – Sun 23rd Aug

Albury

(Dist Ed + 1 day workshop)

Mon 31st Aug

Castle Hill

Mon 31st Aug–Wed 2nd Sep

Wagga Wagga

(Dist Ed + 1 day workshop)

Thu 3rd Sep

Port Macquarie

(Dist Ed + 1 day workshop)

Tue 8th Sep

Sydney

Mon 14th – Wed 16th Sep

FINANCE AND MORTGAGE BROKING COURSES

Cert IV in Finance & Mortgage Broking Sydney

Mon 7th - Wed 9th Sep

Dip of Finance & Mort Broking Mgmt

Upgrade for existing Cert IV holders

Sydney

Thu 10th - Fri 11th Sep

News from the Office

The last few weeks at the College has continued to fill classrooms around NSW, VIC and Sydney metro with our CPD courses running in Newcastle, Gosford, Dee Why, Hurstville, Port Macquarie and the Blue Mountains, together with our Certificate of Registration course in Castle Hill and our large Victorian Agents Representative course in Melbourne. The Certificate IV and Diploma of Finance and Mortgage Broking course has run at full capacity this week with a great bunch of students heading into the finance industry. On a Corporate front, the College ran in-house courses for Agents Representatives, Certificate of Registration and many specially tailored CPD seminars. Needless to say, the College has another full Certificate of Registration course in the city next week.

With all these courses running, it was definitely a pleasure to welcome home our team member Julia after spending the past month travelling around Singapore and New York. We are extremely excited to have her home and help out in the busy office, although I don't think she's enjoying the cold weather. With our College expanding and our classes running at full capacity, we have also welcomed a new member into the ACOP team. Jane will be working closely with Elaine in the production side of the College. She's only been with us for just over a week, but we can already tell she is a great asset to the team!

We are all very excited for the upcoming weeks as we celebrate birthday month in the College with almost every week seeing us celebrating a special day for someone. Yes.... this means a lot of cake!

But enough with the birthdays and cake, check out our 2015 Course Calendar for the upcoming CPD courses around NSW and Sydney, also our Certificate of Registration Castle Hill course is coming up at the end of this month. Get enrolments in quick!

Strata Management Practices

for existing Real Estate, Stock & Station and
Business Broking Licensees

Tuesday 1st to Friday 4th September

Sydney CBD

Social Media



Property Licence Courses

**Experienced Agents
Property Licence
Program
Castle Hill**

Mon 7th - Fri 11th Sep

**Trust Accounting
Castle Hill**

Mon 7th - Wed 9th Sep

**Property Management
Castle Hill**

Wed 9th - Fri 11th Sep

**Business Broking
Agency Practices
Sydney**

Thu 1st - Fri 2nd Oct

**Sales for Real Estate
Sydney**

Tue 22nd - Fri 25th Sep

**Strata Management
Agency Practices
Sydney**

Tue 1st - Fri 4th Sep

**Stock & Station
Agency Practices
Sydney**

Mon 2nd - Fri 6th Nov

**Financial Management
Sydney**

Wed 7th - Thu 8th Oct

**Staff Management
Sydney**

Wed 14th - Thu 15th Oct

**Auctioneer
Accreditation Sydney**
Fri 18th Sep

Is it Time You Upgraded to Your Licence?

ACOP runs an Experienced Agents Property Licence Program which, in conjunction with Recognition of Prior Learning (RPL) assessment, will enable you to complete your Real Estate Licence qualification in 5 days with take home assessments.

We will also assist you with completion and submission of your licence application to NSW Fair Trading free of charge.

Free Assessment

Send us your resume & copies of any qualification transcripts you may have for a free and confidential preliminary RPL assessment.



Online CPD now available for Real Estate Sales, Property Management, Commercial & Retail Sales & Leasing, Business Broking, Strata, Stock and Station and On-site Residential Property Management.

\$99



**Australian College
of Professionals**

The College trainers will be conducting Certificate of Registration and CPD courses in city and country areas of NSW in 2014.

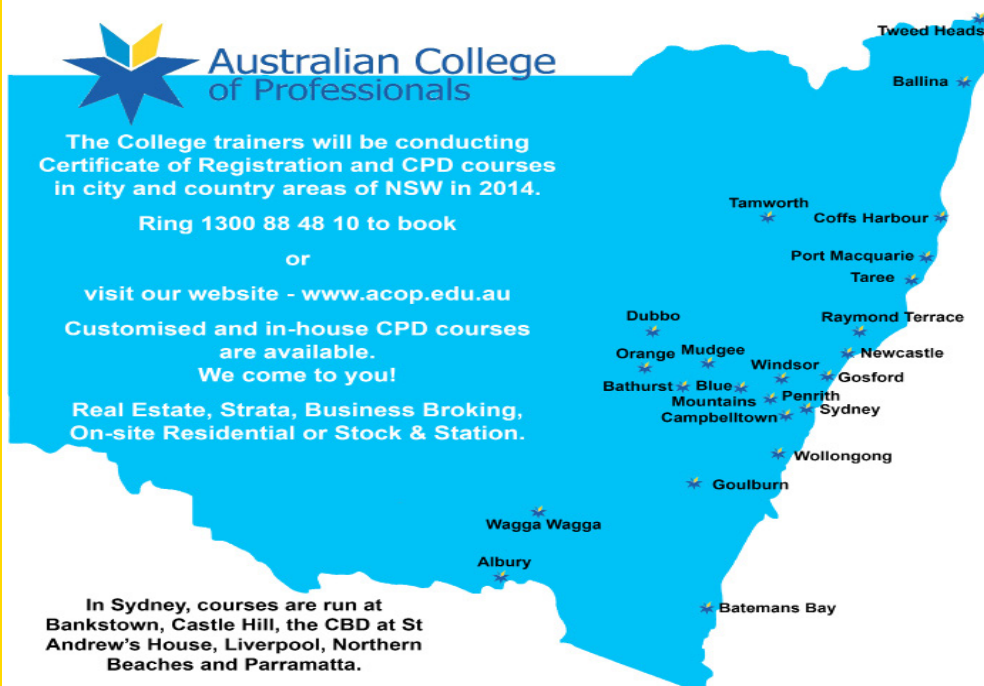
Ring 1300 88 48 10 to book

or

visit our website - www.acop.edu.au

Customised and in-house CPD courses are available.
We come to you!

Real Estate, Strata, Business Broking,
On-site Residential or Stock & Station.



In Sydney, courses are run at Bankstown, Castle Hill, the CBD at St Andrew's House, Liverpool, Northern Beaches and Parramatta.