



CPD COURSES

Mudgee

Sales & Prop Mgmt

Tue 28th Mar

Dubbo

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

Wed 29th Mar

Orange

Sales & Prop Mgmt

Fri 31st Mar

Grafton

Sales & Prop Mgmt

Wed 5th Apr

Tamworth

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

Thu 6th Apr

Castle Hill

Sales & Prop Mgmt

Fri 7th Apr

Sydney

Sales (AM)
or Prop Mgmt (PM)

Thu 13th Apr

Queanbeyan

Sales & Prop Mgmt

Wed 19th Apr

Sydney

Strata Mgmt

Wed 19th Apr

Airbnb

The property industry is an ever changing environment and the issues faced by those who work within the industry evolve on a daily basis. One of the trends that seem to be keeping property agents, particularly property managers and strata managers, on their toes is Airbnb. The questions that are constantly being asked include:

- Is it legal for my tenant to list their rented premises on Airbnb?
- How do I stop tenants from listing their property?
- What right does an owners corporation have to stop owners and tenants from using Airbnb in our strata scheme?

For those who are not yet aware, in 2008, Airbnb was developed as an app and web-based platform for connecting and co-ordinating the short or long term renting of property.

Rental property owners advertise their properties, stipulating their own personal terms; with accommodation-seekers agreeing to stay in those properties based on those terms. The two parties to an Airbnb exchange must register on the Airbnb website. Airbnb takes a guest service fee of between 6 and 12% every time the reservation is booked.

According to a May 2015 report in the Australian Financial Review, "there are now 40,000 listings in Australia on Airbnb...That's a doubling of listings in the past 12 months." The article specifically noted that "Sydney was in the top 10 cities for travelers worldwide" for Airbnb. We can only imagine the rise in these figures since 2015.

The policy and legal framework in which Airbnb operates in NSW Short-term holiday rentals in NSW are overseen by councils, and zoning usually determines whether a home can be let out as a holiday rental. However, specific regulations around letting and subletting properties through platforms such as Airbnb are complex (or in many cases undefined) and vary from council to council.

Property managers should be mindful that subletting is not against the Residential Tenancies Act 2010, however there are very clear rules on how a tenant can engage in a sublet of their rented premises. Subletting is where the tenant enters into a formal agreement with somebody else to rent part of the premises or the whole premises to them. In effect, they are taking on the role of landlord for the sub-tenant. The tenant is still responsible for paying the whole of the rent to the landlord.

CPD 2 HOUR SEMINARS

(8am - 10am unless otherwise specified)
Pre-reading required.

Full 12 points!!

Castle Hill
Sales & Prop Mgmt
Mon 27th Mar

Newcastle
Sales & Prop Mgmt
Tue 28th Mar

Sydney
Trust Accounting
Wed 29th Mar

Sydney
Sales & Prop Mgmt
Thu 30th Mar

Parramatta
Sales & Prop Mgmt
Thu 30th Mar

Windsor
Sales & Prop Mgmt
Fri 31st Mar

Wollongong
Sales & Prop Mgmt
Wed 5th Apr

Bankstown
Sales & Prop Mgmt
Wed 12th Apr

Gosford
Sales & Prop Mgmt
Wed 12th Apr

Parramatta
Sales & Prop Mgmt
Fri 21st Apr

Sydney
Trust Accounting
Mon 1st May

There is no contractual arrangement between the landlord and the sub-tenant. For example, the sub-tenant would pay their rent to the tenant not to the landlord and would be responsible for the actions of the sub-tenant. There is nothing in the Act that states that a sublet is to be for any particular period of time, be one week or one year, however it is very clear that the landlord must be consulted and give permission for the sublet to occur.

A landlord can refuse the sublet under certain circumstances but the reality is that should a tenant decide to let a room or the whole premises through Airbnb, they are not likely to be consulting the property manager and landlord for permission to do so, which makes regulating the problem a difficult task for property managers that are ultimately faced with the issue. The first that a property manager often hears of an issue is when a neighbour complains to the agency of the noise, or frequency of movements in and out of the Airbnb property.

With regards to properties in strata complexes, there are possible risks to an owner using their lot for Airbnb. There is a potential that the local council could become involved as there is a lack of clarity on whether the provision of accommodation for occasional short term stays within a residential property is permitted use, resulting in ambiguity for both residents and local councils.

At the same time, the current definition of 'tourist and visitor accommodation' typically includes clear commercial activities such as backpacker's accommodation, bed and breakfast accommodation, farm stay accommodation, hotel and motel accommodation and serviced apartments. This definition is clearly inappropriate for the renting out of the whole or parts of the private residences for infrequent short-duration stays.

While an owners corporation cannot have a by-law that restricts the usage of one's lot, they must be mindful that as a whole strata scheme they may be in breach of a great deal of strata regulations with their local council should lots be used for Airbnb, and as such would need to investigate what options they have as an owners corporation to minimise breaches of legislation.

So, for property managers, remind your tenants that sub-leasing is not permitted unless approved in writing and for strata managers, check with your relevant council for the approvals regarding short-duration stays in each complex that you manage.

'Til next time,
Wishing you every success in your business ventures,
Rosy Sullivan

acop.edu.au

CERTIFICATE OF REGISTRATION COURSES

Orange

(Dist Ed + 1 day workshop)

Thu 30th Mar

Castle Hill

Mon 3rd – Wed 5th Apr

Wollongong

(Dist Ed + 1 day workshop)

Tue 4th Apr

Tamworth

(Dist Ed + 1 day workshop)

Fri 7th Apr

Newcastle

(Dist Ed + 1 day workshop)

Tue 11th Apr

Sydney

Mon 26th – Wed 28th Apr

Coffs Harbour

(Dist Ed + 1 day workshop)

Thu 27th Apr

Sydney

(Dist Ed + 2 day workshop)

Sat 29th – Sun 30th Apr

FINANCE AND MORTGAGE BROKING COURSES

Cert IV in Finance & Mortgage Broking

Sydney

Mon 3rd - Wed 5th Apr

Dip of Finance & Mort Broking Mgmt

Upgrade for existing

Cert IV holders

Sydney

Thu 6th - Fri 7th Apr

From the Office

The College has had many fresh faces in training over the last fortnight with many new students filling up our Certificate of Registration courses in our CBD office and at Port Macquarie, as well our one day Certificate of Registration tutorials in Wagga Wagga and Gosford. We have also had many returning students in our licensing courses, with those undertaking our Experienced Agents Property Program enjoying a week with our experienced trainers Jane and George. Many of our previous students also returned for their annual CPD training. It is fantastic to see students return year after year to get all the latest updates in the property industry.

The office celebrated Rosy's birthday this week in the only way we know how - cake. Rosy enjoyed her birthday on Sunday with family and friends, however, she insisted that she has an official Birthday Week - so we're sure that there is still plenty of cake to be had.

Many of our staff members have been out of the office taking well deserved breaks over the past few weeks. One of training administrators, Rachelle Lewin, took a trip down to Melbourne for a sight-seeing and shopping getaway. Also away was Sarah Shaw, another one of our training administrators, who travelled up to Brisbane last week to attend Justin Bieber's concert. We've been told that she was able to hold back the tears of sheer joy at seeing such a masterful performer live in person, however, she didn't hold back when it came to singing along to every single song. Rosy and John also whipped over the New Zealand for a few days to attend a friend's wedding – so lots of frequent flyer points earned by the ACOP team in the past weeks.

CPD Courses

ACOP offers CPD courses in different formats

Workshops

Distance Education

Online

*We also conduct in-house courses for small or large groups.
Ring 1300 88 48 10 for a quote. We come to you.*

Enrol Now

Click on the enrol now button to go to the College online enrolment forms (pdf versions of the newsletter only).

Property Licence Courses

Experienced Agents
Property Licence
Program
Sydney CBD
Tue 18th - Fri 21st Apr

Trust Accounting
Sydney CBD
Tue 18th - Wed 19th Apr

Property Management
Sydney CBD
Thu 20th - Fri 21st Apr

Business Broking
Agency Practices
Sydney CBD
Thu 27th - Fri 28th Apr

Sales for Real Estate
Sydney CBD
Tue 4th - Fri 7th Apr

Strata Management
Agency Practices
Sydney CBD
Tue 2nd - Fri 5th May

Stock & Station
Agency Practices
Sydney CBD
Mon 8th - Fri 12th May

Financial Management
Sydney CBD
Wed 12th - Thu 13th Apr

Staff Management
Sydney CBD
Mon 10th - Tue 11th Apr

Auctioneer
Accreditation
Sydney CBD
Thu 1st Jun

Certificate IV in Finance and Mortgage Broking

Monday 3rd - Wednesday 5th April

Diploma of Finance and Mortgage Broking Management (Upgrade)

Thursday 6th - Friday 7th April

MAKE 2017 YOUR YEAR

With proposed reforms coming for the real estate and property industry, make 2017 the year that you get the qualification and obtain a full property licence

ACOP provides licensing training programs, and will recognise your prior learning and experience, for the following licence categories:

- ★ real estate agent's licence
- ★ strata manager's licence
- ★ business agent's licence
- ★ stock and station agent's licence
- ★ buyer's agent's licence
- ★ on-site residential property manager's licence

If you are seeking Recognition of Prior Learning (RPL) or Recognition of Current Competence (RCC), talk to us about the types of evidence that you will need to provide to seek these exemptions from training.

Social Media

