



Changes to the Residential Tenancy COVID Regulations

College Chronicle
Newsletter

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Changes to the Residential Tenancy COVID Regulations



The temporary tenancy moratorium introduced to restrict when landlords could evict tenants due to rental arrears as a result of COVID-19 ended on 26 March 2021.

From 27 March 2021, a six-month transitional period has begun.

What are the rules during the transitional period?

A six-month transitional period means COVID-19 impacted tenants who accrued rent arrears between 15 April 2020 and 26 March 2021 (the moratorium period) will not be subject to the standard tenancy eviction rules for those arrears.

- Tenants and landlords will be assisted by Fair Trading to negotiate repayment plans for arrears accrued during the moratorium period.
- Landlords will only be able to evict these tenants for these arrears if they have first attempted in good faith to negotiate a repayment plan. It also has to be fair and reasonable to evict.
- If a landlord and tenant have agreed to a repayment plan, the tenant cannot be evicted unless they have failed to meet agreed repayments on two consecutive occasions
- Tenants and landlords will continue to be able to apply to NCAT to terminate tenancy agreements on the basis of hardship.
- Termination proceedings already started during the moratorium period will continue under the rules in place during that time.
- Existing agreements between a tenant and landlord about the waiver



or deferral of rent payment will not be affected by the end of the moratorium and the transitional measures.

The measures also prevent landlords from evicting a COVID-19 impacted tenant who accrued rental arrears during the moratorium period using the 'no grounds' eviction process (which applies to periodic leases), unless it is fair and reasonable to do so.

COVID-19 impacted tenants are also permanently protected from being listed on tenancy databases for arrears accrued during the moratorium period.

Landlords will be able to terminate any tenant under standard provisions for arrears accrued after the moratorium measures end on 26 March 2021.

The transitional measures will end on 26 September 2021.

The NSW Fair Trading website has developed a flowchart that clearly shows how the transitional measures may affect a tenancy agreement. The link to the flowchart is - https://www.fairtrading.nsw.gov.au/__data/assets/pdf_file/0007/972376/flowchart_termination-tenancy-after-COVID19.pdf

As an agent, if you are approached by a tenant to negotiate a repayment plan, you must contact the landlord as soon as possible to discuss the tenant's financial hardship and opportunities for a rent arrears repayment plan.

The landlord's financial hardship and opportunity for mortgage relief or land tax, and income tax relief (if applicable) must also be considered.

As an agent, you should try to understand both the tenant's and landlord's financial circumstances to help ensure a workable outcome. Fair Trading encourages agents to ensure:

- both parties are aware Fair Trading can help with dispute resolution if a rental arrears repayment agreement can't be reached.
- correspondence is promptly responded to.
- any evidence required from tenants is reasonable and sufficient to show the person was COVID- impacted and suffered a loss of household income.
- repayment plans adequately detail the amount of rent to be repaid, and the payment amount and frequency.
- accurate documentation of interactions and discussions with

landlords and tenants during COVID rental arrears repayment negotiations. This will be especially important if the matter progresses to the Tribunal.

If you have attempted to negotiate a rent arrears repayment plan without success, trained dispute resolution officers in Fair Trading are available to help landlords, managing agents and tenants.

The applicant will need to complete a formal arrears repayment negotiation application form and submit this along with your request for assistance via the Tenancy Complaint Form. See the NSW Fair Trading website for both of these forms.

Rosy Sullivan
Director | College Principal

UPCOMING CPD WEBINARS

3 HOUR COMPULSORY CPD

Real Estate	TUE 20TH APR
Strata Management	TUE 4TH MAY
Real Estate	TUE 18TH MAY
Strata Management	TUE 8TH JUN

3 HOUR ELECTIVE CPD

Property Sales	TUE 13TH APR
Residential Property Management	TUE 27TH APR
Strata Management	TUE 11TH MAY
Commercial Sales & Leasing	FRI 14TH MAY

Please note: All Webinars will be held via Zoom and run from 9am - 12pm unless stated otherwise.

UPCOMING CPD FACE TO FACE COURSES

COMPULSORY SALES & LEASING AND ELECTIVE CPD - NSW

Residential Prop Mgmt Sydney CBD	TUE 13TH APR	Property Sales Newcastle	FRI 14TH MAY
Residential Prop Mgmt Castle Hill	WED 14TH APR	Property Sales Parramatta	WED 19TH MAY
Property Sales Sydney CBD	MON 26TH APR	Property Sales Liverpool	MON 24TH MAY
Residential Prop Mgmt Terrigal	THU 29TH APR	Residential Prop Mgmt Sydney CBD	FRI 11TH JUN
Residential Prop Mgmt Sydney CBD	FRI 7TH MAY	Residential Prop Mgmt Castle Hill	WED 23RD JUN
Property Sales Sydney CBD	WED 12TH MAY	Property Sales Terrigal	MON 28TH JUN
Property Sales Castle Hill	THU 13TH MAY	Property Sales Sydney CBD	MON 28TH JUN

COMPULSORY & ELECTIVE STRATA CPD - NSW

Strata Management Sydney CBD	FRI 23RD APR	Strata Management Sydney CBD	THU 20TH MAY
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Two 3-hour sessions. 9am - 12pm then 1pm - 4pm unless stated otherwise. If you have already completed one CPD course and only need to attend either the Compulsory OR Elective component, please contact the College on 1300 88 48 10

UPCOMING CERTIFICATE OF REGISTRATION FACE TO FACE COURSES

ASSISTANT AGENT - CERTIFICATE OF REGISTRATION

Real Estate and Stock & Station Sydney CBD	6TH -9TH APRIL
Real Estate and Stock & Station Sydney CBD	3RD -6TH MAY

Units taken from nationally accredited training qualifications from the CPP41419 Certificate IV in Real Estate Practice.

Strata Management Sydney CBD	21ST -24TH JUNE
Strata Management Sydney CBD	16TH -19TH AUGUST

Units taken from nationally accredited training qualifications from the CPP40516 Certificate IV in Strata Community Management.



From the office

Having survived the CPD deadline for the NSW property industry, the team at ACOP have taken a long deep breath (and perhaps celebrated the new CPD year with a cake and champagne) and have launched headfirst into the new CPD training courses with excitement.

As of the first day of the new CPD year, ACOP commenced offering the compulsory, elective and business skills sessions through our online student portal. Face-to-face and interactive webinars will commence after Easter – the trainers “apparently” needed a little breather. The team have enjoyed their first actual weekend of not working in a long time. We are planning a post-Easter team outing.....but more about this in

next fortnight's news from the office.

The ACOP team are excited that NSW has had further COVID restrictions lifted and that we can now enjoy our social events just that little bit more – dancing and singing in particular. We empathise with our Queensland neighbours and hope that our country as a whole can soon return to less restrictions.

We have celebrated two more team birthdays this past fortnight, with Jen (one of our new training administrators) and Anthony, both enjoying the usual pleasure of cake and laughter to mark the occasion. Naturally, there has been a huge amount of chocolate being consumed in the office for pre-Easter enjoyment. We are anticipating that this state of “excess chocolating” will continue well after Easter.

Wishing all a safe and happy Easter break and take some time to relax, recharge and be ready for new property adventures as we move into the quarter of 2021.

UPCOMING LICENCE FACE TO FACE COURSES

PROPERTY LICENSING

Commercial Sales & Leasing SYDNEY CBD	3 RD - 4 TH JUN
Property Sales SYDNEY CBD	29 TH JUN - 1 ST JUL
Stock & Station Agency Practices SYDNEY CBD	31 ST MAY - 2 ND JUN
Strata Management Agency Practices SYDNEY CBD	27 TH - 29 TH APR
Auctioneering SYDNEY CBD	15 TH - 16 TH APR
Property Mgmt Business Development & NCAT SYDNEY CBD	13 TH - 14 TH MAY

PROPERTY LICENSING

Financial Management (Strata) SYDNEY CBD	13 TH - 14 TH JUL
Trust Accounting + Insurance SYDNEY CBD	FRI 30 TH APR
Trust Accounting SYDNEY CBD	22 ND - 23 RD MAR
Property Management SYDNEY CBD	26 TH - 28 TH MAY
Business Broking SYDNEY CBD	10 TH - 11 TH MAY

Units taken from nationally accredited training qualifications from the CPP41419 Certificate IV Real Estate Practice and CPP40516 Certificate IV in Strata Community Management.

UPCOMING FINANCE & MORTGAGE BROKING FACE TO FACE COURSES

Certificate IV in Finance & Mortgage Broking SYDNEY CBD	17 TH - 19 TH MAY
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Diploma of Finance & Mortgage Broking Management <i>(Upgrade Program - Must hold Certificate IV in Finance & Mortgage Broking)</i> SYDNEY CBD	20 TH - 21 ST MAY
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Units taken from nationally accredited training qualifications from the FNS Financial Services Training Package.

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