



Management ONE

The quarterly newsletter from The Management Rights Lawyers

Talk less, smile more! by Amy O'Donnell

At the moment one of the most popular musicals of recent times is playing in Brisbane. I must confess that, whilst I had heard of Hamilton, it never really appealed to me – until I saw it! There are so many take away lessons hidden in the lyrics that relate to everyday life. One of my favourites – “talk less, smile more”. Closely followed with “every proclamation guarantees free ammunition for your enemies”.

As everyone knows from recent press and publicity, there are some factions doing their very best to damage the management rights industry. When we are asked about how a manager can best protect their business, our advice has rarely changed. That is – to undertake your duties to the very best of your ability and be seen to be doing so.

So how does that fit in with Hamilton – don't fight about the little things, don't argue for the sake of arguing, try and work with your committee and do a good job.

It remains that the overwhelming majority of owners and occupants of strata complexes – whether they be long term tenants or holiday guests – care about and notice how clean and tidy the complex is. If you get that

part of your business right you will be on a good trajectory for success and will have owners who will largely leave you alone. If you get that wrong, then you are very easily headed down the path of disgruntled owners looking for other areas where you are deficient, leading to disputes about all sorts of issues. This very easily gets out of hand. All too often comments are made, and responded to in haste, and the relationship very quickly deteriorates.

I do not take “Talk less, smile more” as meaning to stay quiet, but rather don't react impulsively and inflame the situation. Good communications with all stakeholders – the committee, the body corporate manager, owners and occupants – are essential for a good management rights business. It is very necessary for the manager to keep all key stakeholders informed of all their efforts and also of potential problems before they become a problem.

Our key tips remain:

- Management rights are not passive investments – it is the role of a service provider. The main service in most agreements is caretaking. That is, to keep the complex clean, properly maintained with the grounds, lawns and gardens well kept and attractive;

- Give your owners value for money and strive for excellence – go beyond what they might reasonably expect;
- Thoroughly understand your agreements and duties – have a detailed checklist and follow it;
- In short term complexes, be innovative with your marketing and seek professional advice where needed to expand that side of the business;
- Communicate openly and regularly with your stakeholders – send periodical newsletters, encourage regular walk arounds with your chairman or designated committee representative;
- Build – as best you can – a strong and professional relationship with your body corporate manager and the committee; and
- Be and be seen as the driver of improvements and regulatory compliance at your complex.

We understand that there will always be a small minority of complexes where some owners or committee members will still not be satisfied even if you follow all or most of the above, but again simply talk less and smile more.

Residential tenancy amendments – minimum housing standards by Amy O'Donnell

Now that we have settled into the new residential tenancy amendments that came into effect last year, it is time to turn our minds to the next round to take effect from 1st September 2023. From this date the minimum housing standards will apply for all for new tenancies. This will include tenancy agreements which are being renewed after this date (even if the existing tenants are staying). Minimum housing standards are all about ensuring that the property is safe, secure and functional.

In a very brief summary, the minimum housing standards require that the rental properties must:

- be weatherproof and structurally sound;
- be in good repair and so that fixtures and fittings are not likely to cause injury through normal use;
- have functioning locks or latches on all external doors and windows (this

means windows and doors that can be reached without a ladder);

- be free from vermin, damp and mould;
- Include curtains/ window coverings to provide privacy where it would be reasonably expected (i.e. bedrooms and bathrooms);
- have adequate plumbing and drainage;
- be connected to hot and cold water;
- have flushable toilets connected to a waste disposal system;
- have a functioning cook-top (if there is a kitchen);
- include the necessary fixtures for a functional laundry (i.e. tap fixtures and plumbing). This does not require the laundry to have a washing machine or other white goods).

We suggest to our clients that they should bear these standards in mind when conducting inspections over

the next 6 months to ensure that they have sufficient time to work with their landlords and undertake any works necessary so that all properties comply with the prescribed minimum housing standards.

The obligation to ensure that the property complies with the minimum housing standards arises at the start of the tenancy and continues while the tenancy continues. If a landlord fails to comply with any prescribed minimum housing standards it will raise the possibility of being liable for breach of the tenancy agreement. Alternatively, the tenant can apply to the tribunal, for an order that the landlord remedy the property.

As each factual situation is different, please take our comments as general guidance and contact Mahoneys to obtain timely and practical legal advice in relation to any residential tenancy questions that you may have.



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For latest CPI figures go to

[Click here for Brisbane All Groups CPI figures](#)

You will need to click on "All groups CPI, index numbers(a)" to see the detail. For example, if your remuneration started at \$100,000 on 1 September 2016, the correct calculation for the 1 September 2022 increase based on Brisbane All Groups CPI would be $\$100,000 \times 127.9$ (i.e. the last index figure before the review date – the June 2022 quarter) / 109 (i.e. the last index figure before the commencement date – the June 2016 quarter) = \$117,339.45. Mahoneys has assisted many managers in having their remuneration increased to market level.



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