

From: Joe Woodhouse [REDACTED]

To: rentalreforms@justice.vic.gov.au

Cc: act@tenantsvic.org.au

Date: 06/12/2019 07:38 AM

Subject: My submission on sales inspections

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Subject: My submission on sales inspections / open-for-inspections:

My postcode: [REDACTED]

My submission:

The proposed changes remove any ability for tenants to object to or negotiate sales inspections and OFIs. The changes as written mean tenants must accept any sales inspection, any time of day, any day of the week, with no limit on the inspections per day or per week.

This is never less than disruptive, and the disruption can rise to levels that might be regarded as actionable in other contexts. Shift workers lose more than just two hours' quiet enjoyment of their home: they lose a "night"'s sleep. Students with tests or exams lose more than just a brief interruption but may face adverse effects with longlasting results. Anyone working from home faces disruption not just to their home life but to their business life also.

The legislation in its current form recognises the tension between the landlord's right to an effective sales process and the tenant's right to quiet enjoyment. This has routinely been upheld by VCAT who impose limits on the number and duration of inspections and allow tenants to require that sales agents take ID details of all people inspecting. My concern is that moving to the draft legislation appears to sign away these expectations and any ability to negotiate.

I very much doubt the MPs of Victoria and the states' landlords would accept the level of disruption the proposed legislation imposes on tenants. More must be done to safeguard tenant rights and concerns, and more can be done while still allowing landlords a commercially effective sales process.

Allow tenants to object to unreasonable schedules of inspections - too many per day, too many per days per week, too many hours in total, no more than one OFI per week.

Bring tenant compensation in line with the compensations typically handed down in VCAT decisions - one day;s rent per inspection rather than half a day. This cost is small to the seller compared to their advertising fees and selling agent costs.

Require landlords and their selling agents to take and retain ID from all potential buyers. This is routinely required from tenants inspecting a potential rental and there is no reason to not also require this from potential buyers.

Make landlords and their selling agents liable for any damage, theft, or other criminal acts carried out by potential buyers during inspections. Require reasonable care for the security of the tenants' property with a "leave it as you find it" clause.

This submission to the Victorian Government consultation on the RTA Regulatory Impact Statement was sent via Tenants Victoria's website. It represents the views of the author only and does not represent the views of Tenants Victoria.