



INFORMATION HANDBOOK

Rental Provider Responsibilities

A quick guide to understanding CERCs key responsibilities and liabilities as a rental provider

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A new way of speaking

In March 2021, the Victorian Government released changes to the Residential Tenancies Act 1997 (RTA) which introduced a change in terminology:

- **landlords** are now known as **rental providers**
- **tenants** are now known as **renters**
- **tenancy agreements** are now known as **rental agreements**.

CERCs as rental providers

If your co-operative operates as a CERC, you have legal responsibilities as a Rental Provider under the RTA, including:

- creating rental agreements which set out the terms and conditions of renting a property between the CERC and a renter
- meeting reasonable and minimum standards of maintenance at the property
- ensuring the collection of rent
- being responsible to respond to renters when disputes arise.

Establish a member selection committee

All CERCs should know where to access a copy of the RTA or information regarding their responsibilities under the act.

The Consumer Affairs Victoria website is an excellent source of information. A great place to start to understand the changes to the RTA is here: <https://www.consumer.vic.gov.au/housing/renting/2021-victorian-rental-laws-changes>

If you need clarification on the information received, please get in touch with your Co-op Development Co-ordinator (CDC) for advice and any questions relating to the RTA.

Key responsibilities and liabilities as a rental provider

Being a rental provider is a role with many responsibilities, including:

- the responsibility to provide safe and secure housing
- maintaining properties to a reasonable standard
- address any issues and take the appropriate action.

As CEHL is a Social Housing Provider, key performance standards are also used as a guideline to ensure best practices are followed within the industry.



Vacancies and establishing a tenancy

The co-op, as a rental provider, is responsible for addressing vacancies in a timely and efficient manner. The co-op is required to inspect the vacant property, and any required maintenance needs to be identified and actioned.

Best Practise timeframes include:

Property Status	Best Practice Time Frames	Efficiencies
VACANT UNTENANTABLE This is the period immediately after the renter has vacated, that the Co-op can undertake maintenance works to bring the property to standard. The property is not yet ready to have a renter move in	Under 21 days	Excellent
	21-48	Satisfactory Ideally, you would want to reduce this time frame to meet 21 days
	Over 48 days	Unsatisfactory
VACANT TENANTABLE This is the period that a renter could move into the property as it is ready and at the required standard.	Under 7 days	Excellent
	7-21	Satisfactory Ideally, you would want to reduce this time frame to meet 7 days as close as possible.
	Over 21 days	Unsatisfactory

Things to consider that may aid you in meeting these timeframes:

- Complete a pre-vacate inspection with the renter as soon as possible after they have given you notice. A pre-vacate inspection helps you to identify any renter damage.
- If there is damage, let the renter know in writing what they are expected to be fixed before they vacate.
- Knowing the minimum standards required will avoid sending trades back to the property multiple times.
- Send notification you will have a vacancy to CEHL at vacancy@cehl.com.au as soon as you receive notice from your renter, this will assist CEHL in supplying you with new member lists efficiently, and you can start the new member selection process.
- Schedule safety checks in advance, so you have all the information you require to fill in the Mandatory Disclosure Declaration.



Minimum standards

There are minimum standards that every property must meet. These standards are set out and required under the RTA. As a snapshot, the areas that minimum standards relate to are:

- locks and windows
- toilet, bathroom, kitchen, and laundry facilities
- building structure, mould, and damp
- lighting, ventilation, and heating.

For more information, please see the Consumer Affairs Victoria website at www.consumer.vic.gov.au



Clean and tidy vacant possession

As well as meeting the minimum standards, properties must be handed over:

- vacant
- empty of any prior belongings
- in clean condition inside and out.

The condition of a property when a renter first enters their new home is your opportunity to set the standard of presentation and maintenance expected at the end of the tenancy.

Presenting a property as clean and tenantable from the start demonstrates that you care about and look after your properties and sets a benchmark standard as you establish your relationship with your new renter and member.

Templates

Templates for the following forms can all be found on the Consumer Affairs Victoria website:

- Rental agreement template - [click here](#)
- Condition report - [click here](#)
- Renters guide - [click here](#)

Legal requirements before the Renter moves in

Before the renter moves into the property, the rental provider is required to give them the following:

- A copy of the rental agreement (note - each party must have a copy).
- A copy of the Consumer Affairs Victoria Renters guide as either a hard copy, paper, or digitally if the renter has agreed to receive documents electronically.
- Mandatory Disclosure Declaration.
- A phone number in case the renter needs urgent repairs outside business hours.
- The rental provider details (Co-op name, address, and email address (if they agreed to receive notices and documents electronically)).
- A set of keys for each renter who has signed the agreement.
- A condition report (two copies or one electronic).

Co-ops are also required to keep a copy of the signed rental agreement and condition report.

It is also good practice to photograph the number of keys handed over.

Copies of any paperwork should be kept securely so they can be accessed if required in the future.

During a tenancy

Maintenance and repairs

During the tenancy, the rental provider is required to maintain the property to a reasonable standard by addressing maintenance requests in the timelines required under the RTA.

Urgent repairs are required for
A failure or breakdown of electricity, gas or water supply
Burst water service
Blocked or broken toilet system
Serious roof leak
Gas leak
Dangerous electrical fault
Flooding or serious flood damage
Serious storm or fire damage
A failure or breakdown of an essential service or appliance provided by the Rental Provider for: hot water, cooking, heating, cooling or laundering
Any appliance, fitting or fixture which is not working properly and causes a large amount of water to be wasted
Any fault or damage that makes the premises unsafe
A serious fault in a lift or staircase
A pest infestation
The presence of mould or damp caused by or related to the building structure
A failure to comply with one of the rental minimum standards
A failure or breakdown of a safety device, including a smoke alarm, residual current device, fire sprinkler systems, emergency lighting or pool fence

What to do if you have an urgent repair:

STEP ONE - Gather together the required information:

The following information is required

- The address of the damaged property / properties
- A description of the damage
- Confirmation about whether the renter is able to stay in the property or has had to move out due to damage.
- Photos of the damage if relevant.

STEP TWO - Contact

- Call your CERC Maintenance Director

STEP THREE - Repairs

- The renter will be informed of next steps for a complete resolution of the fault or damage.
- Urgent repairs will be actions within 24 hours.



Inspections

Rental providers are responsible for inspecting the property regularly, usually annually, but not more than every six months. These inspections are known as general, periodic, or routine inspections.

The purpose of inspecting the property is to ensure the renter is maintaining the property to the standard condition, in line with the RTA, and also to discuss any maintenance issues or tenancy concerns.

When arranging a general inspection, the rental provider is required to provide renters with a written request with a minimum of 7 days (excluding postage) before the general inspection is to take place.

General inspections can occur any day other than a public holiday between 8 am and 6 pm, so long as the correct notice period is provided.

Other reasons for entering a rental property can be found on the Consumer Affairs Victoria website, including information on the renter's right to refuse entry, entering the property if a renter is not home, and advice to rental providers on acting reasonably when entering a property legally.

Managing issues

Unlike a private rental, in a Co-op, when carrying out duties as a rental provider, the renter may be someone you know personally. This may cause some discomfort when difficult conversations need to be communicated or when issues arise when carrying out your responsibility as a rental provider.

Damage

The general inspection checks that the renter is keeping the property in good condition. If the rental provider believes that the renter is not meeting their obligations under the rental agreement, they can give the renter a Notice of Breach. This provides the renter with a specified timeline to address the condition or damage to the property.

Damage can include modifications without permission of the rental provider, excluding those non-permanent modifications permitted under the RTA.

Rent arrears

Co-ops often avoid discussions around arrears. However, ignoring the issue can lead to arrears continuing to increase, resulting in the renters' tenancy being in jeopardy.

It is better to have a conversation and provide written notification to your renter as soon as they fall into arrears so that they can take action as quickly as possible. If notification is not provided, the amount may continue to accrue, and the renter may feel overwhelmed when dealing with the issue.

Renters experiencing financial difficulty can seek help. Please get in touch with your Co-op Development Co-ordinator for advice on appropriate support services that may be able to assist depending on a renter's circumstances.

CEHL can assist co-ops with managing rent arrears via the rent arrears management service, which co-ops can purchase.

Co-op rental providers must also advise CEHL about any arrears over 21 days.



Available resources

Minimum standards

<https://www.consumer.vic.gov.au/housing/renting/repairs-alterations-safety-and-pets/minimum-standards/minimum-standards-for-rental-properties>

Rental agreement

<https://www.consumer.vic.gov.au/library/forms/housing-and-accommodation/renting/form-1-residential-tenancy-agreement.docx>

Condition report

<https://www.consumer.vic.gov.au/library/forms/housing-and-accommodation/renting/condition-report-word.docx>

Renter's guide

<https://www.consumer.vic.gov.au/library/publications/housing-and-accommodation/renting/renting-a-home-a-guide-for-tenants-word.docx>

Urgent repairs

<https://www.consumer.vic.gov.au/housing/renting/repairs-alterations-safety-and-pets/repairs/repairs-in-rental-properties>

Notice of entry

<https://www.consumer.vic.gov.au/library/forms/housing-and-accommodation/renting/notice-to-renter-of-entry-to-rented-premises.docx>

Notice of breach

<https://www.consumer.vic.gov.au/library/forms/housing-and-accommodation/renting/notice-of-breach-of-duty-to-renters-of-rented-premises.docx>

More help & information

Your Co-operative Development Coordinator, CDC, can help you with any additional information and assistance you with your rental provider responsibilities.

