

## **STRATA and tenants**

The 2006 census shows that most tenants – nearly 75 per cent – in our area live in strata units. When problems arise they can be caught between landlord and strata.

Tenants have a legal relationship with the landlord, not strata, which is made up only of owners. Landlords refuse to do repairs which they claim are Strata's responsibility. Strata refuses to deal with the tenant, and the whole merry go round starts again. (There is no question that the landlord is responsible to the tenant for repairs to a property, regardless of who actually is responsible for paying for the repairs.)

Strata, or bodies corporate, often claim a relationship with a tenant when they want to take them to task for breaking some obscure by-law. Legally, strata can fine a tenant for breaking a by-law, but they cannot terminate their agreement. It's a huge mess, and one that tenants have no control over.

Currently, tenants are limited in what they can do in these situations. As Dr Chris Martin of the Tenants Union told a recent forum, it is inherently undemocratic that tenants must comply with laws that they have no say in.

In December last year, the public policy think tank Global Access Partners posted an online consultation forum on strata law to assist in the NSW Government's review of the state's strata and community title laws. The forum received submissions from concerned individuals, The Tenants' Union of NSW, the Law Society of NSW Property Law Committee, the Property Council of NSW, The Property Owners Association of NSW and professional bodies. The submissions can be accessed at <http://www.openforum.com.au/strata>.

The Tenants' Union of NSW's submission raised the point that tenants have to live with strata laws, but are unable to directly participate in the process of making the laws that bind them. Dr. Chris Martin, Senior Policy Officer at the Tenants' Union states 'It's a familiar democratic principle that if people are to be responsible for complying with laws, they should also participate in the process of making them'. He has suggested that policy makers should consider increasing tenants' access to strata, possibly by allowing them to attend and potentially even vote at strata meetings. He broached the idea of 'residents' corporations' as an alternative to 'owners' corporations'. Otherwise, he argues that there should be limits on the by-law making powers of the owners' corporations to protect the interests of tenants.

Many property owners balk at the idea of tenants having a say in how their properties are managed, but there are some potential advantages for landlords if tenants are able to be more actively involved in the running of strata properties. The vote of an interested, long term tenant is surely to be better informed than that of a non-occupying property owner. Tenants are just as concerned about creating a functioning strata community as property owners are. It's just not in their interests to act otherwise - they have to live with the consequences! There would be greater levels of by-law compliance if all occupants, including tenants, were to feel a sense of ownership and influence over the direction of the body corporate.

As the cost of housing increases we will be seeing more and more people renting long term, or even renting for life. Almost half of the people living in strata buildings currently are tenants. It is unfair to disallow people from having a meaningful say in issues that affect them day to day, particularly when we consider that many of these people will never achieve the increasingly elusive dream of Australian home ownership. Tenants have a remedy against landlords who seek to interfere in their peace, comfort and privacy, however a body

**corporate can impose onerous by-laws that have just as much impact on a tenant's ability to run their own life and the tenant is limited in what they can do about it.**

**The state government plans to roll out the proposed amendments in the next few months, and we'll be watching with interest to see whether the policy makers have listened to the voices pushing for tenants to have a more active voice in managing their homes.**