

information sheet

THE HOMESWEST PROPERTY CONDITION REPORT

What is a Property Condition Report?

A Property Condition Report is used to identify the condition of the property. It should contain a list of all the rooms within the home and what is in them. It should also include the out-buildings and the yards.

Homeswest are bound by s42 of the Residential Tenancies Act (RTA) which identifies the landlord responsibility to '*provide premises which are clean and in a reasonable state of repair having regard to the age, character and prospective life*'.

Tenants are bound by s38 of the RTA which requires the tenant to leave the premises in the same condition as at the start of the tenancy, less fair wear and tear.

There are two components to the Homeswest Property Condition Report

1. the Condition of Occupancy, which is filled in at the beginning of the tenancy; and
2. the Condition on Vacation, which is filled in at the end of the tenancy.

Because the report is used to describe the condition of the property through the tenancy, it can be used as evidence to determine whether there is any damage, additional cleaning costs or maintenance which the tenant may be liable for at the end of the tenancy (not including items that are 'fair, wear and tear').

The condition report is an opportunity for the tenant to make a thorough inspection and assessment of the property. It also provides an opportunity for Homeswest to reassess the general state of repair of their property.

The Process

When a tenant first moves into a Homeswest property, they will be provided with the report completed by a Homeswest officer that

describes the condition of the property. The tenant then needs to complete the 'tenants comments' section which in their opinion describes the condition of the property.

When a tenant vacates the property the same report is used to identify the difference between the condition of the property at the beginning and the end of the tenancy.

Homeswest policy is that the Accommodation Manager will visit the tenant within two weeks of the tenant moving in to introduce themselves and check if the tenant has any questions or concerns about the tenancy in general. The Homeswest officer may offer to help the tenant to complete the Property Condition Report. However, we encourage the tenant to have an independent witness (someone not living at the property) to assist the tenant and to support what is being recorded. For example, a friend, relative or community worker.

If the Property Condition Report has been completed, the Homeswest office can collect at this time. Otherwise the form must be signed and dated by the tenant (if a joint tenancy, we recommend both tenants sign) and the **yellow copy returned to Homeswest within 14 days of moving into the property**. The pink copy is retained by the tenant, preferably in a safe, secure place.

What is the importance of the tenant filling in the Property Condition Report?

Many of the disputes between Homeswest and the tenant are over tenant liability.

The experience is that many tenants are not returning a completed report to Homeswest because they are busy with moving into the premises, arranging schooling for the children, phone connection, etc or because they don't fully understand the form. In many instances

they simply don't realise the financial implications of not completing the report.

If the form is not completed by the tenant and returned to Homeswest, there will only be Homeswest's record of the condition of the property. By the tenant completing the form, it will later assist the tenant if a dispute arises about any claim by Homeswest for tenant liability.

Meaning of Condition Descriptions

Homeswest use the following descriptions to describe the state of the property:

'As New' 'Good' 'Fair'

The Meaning of Condition Descriptions form is attached to the Homeswest Ingoing Tenant Pack* and gives information on what the terminology 'As New', 'Good', and 'Fair' means. The Ingoing Tenant Pack also provides the tenant with information about completing the Property Condition Report.

Given the variables in standard of properties due to age, type of construction (eg fibro or brick), and so on, this terminology may not truly reflect the state of repair and general condition of the premises at the commencement of the tenancy. Therefore it is important that detailed descriptions are recorded of each area. If any marks are hard to describe, a simple drawing or even a photo are encouraged and should be attached to the report.

When going through the property, tenants should make sure:

- all appliances are in working order eg check all knobs on the stove;
- all parts to appliances are included eg griller may be missing;
- all light switches are working;
- drains (inside and outside) are not blocked;
- taps and shower roses are in good working order with no dripping;
- they record whether windows and doors have a flyscreen attached;
- fences are in good order;
- no sign of leakage from water pipes in the yards (wet soil is a clue or take a meter reading, turn off all taps over night and then re-check the meter reading in the morning);
- floorcoverings, walls, ceilings and doors are in good order, noting stains, mould, other marks;

- cupboard doors are in good order; and so on.

Vacating the Property

As a rule, Homeswest will do an inspection within one working day, where possible, after the tenant vacates the property. The officer will fill in the Condition on Vacation section of the original Property Condition Report. This must be signed and dated by the Homeswest officer as their evidence of the inspection. The inspecting officer will make a recommendation on tenant liability based on that Property Condition Report.

The tenant is responsible for the property until expiration of notice given or the keys are returned, however, tenant liability problems may arise if correct procedure is not followed by the tenant.

Assessing Tenant Liability

Homeswest have produced the Guidelines for Vacating Tenants* which provides information on how tenant liability is assessed. For example, many problems relate to paintwork and flyscreens. Assessment of tenant liability should factor in the period of time since the previous paint job or the age of the flyscreens, with calculations being on a percentage basis. For example, the ratio of paintwork that is less than 1 year equals 100% tenant liability through to over 5 years being no tenant liability. There are several variables within that 5 year period.

In deciding tenant liability, Homeswest are required to consider (and the Property Condition Report should reflect) fair wear and tear.

In Conclusion

The importance of tenants completing the Property Condition Report cannot be underestimated. It will be used by Homeswest as the basis for comparison on any subsequent inspection of the property during the term of the tenancy. It will also make it easier for tenant's and their tenant advocate if a tenant liability decision is appealed through the Homeswest Appeals Mechanism or by making application to the Small Disputes Division of the Local Court.

* **Contact Homeswest to obtain a sample copy.**