

Condition reports and fudging it

By **Robert Mowbray**, Tenant Advocate, Older Persons Tenants Service

It was the early 1990s. Tom was accompanied to the office of the Department of Housing in Sydney's west by Anil, a tenant advocate. Tom had just been approved for housing and he'd been asked to come to the office to sign a residential tenancy agreement. To Anil's amazement the Client Service Officer proceeded to complete the landlord's part of the residential premises condition report, by ticking all the squares to indicate that everything in the unit was clean, undamaged and working. Anil said 'You can't do that ... you must go to the premises and conduct a proper inspection'. The Client Service Officer said 'No, I don't have to'.



Jump to the late 1990s ... Graham signs a residential tenancy agreement on a house in a Western New South Wales town. His residential premises condition report shows everything in the unit was clean, undamaged and working.

Graham had the foresight to note down all the problems: a leaking gas heater, a carpet that stank of urine, rubbish littered throughout the yard. When Graham vacated in 2008 he was presented by the department with a bill in the thousands of dollars.

The matter is now before the Consumer, Trader and Tenancy Tribunal. Graham's tenant advocate prepared a brief submission alerting the tribunal member to the unsatisfactory nature of the original condition report.

It's now 2008 and Maria who is in her 70s is presented with another one of these dodgy condition reports.

But the problems with her inner Sydney unit are numerous: the carpet in the lounge was kicking up, there were broken globes in light fittings, the intercom from the street was not working, all keys to the balcony door and window locks were missing, and in the kitchen, the range hood filter was missing, the cupboard next to the drawers was covered with pink, wax-like substance, the griller plate was missing, and this list is not complete!

Maria's tenant advocate completed her part of the condition report showing all these discrepancies. He organised for Housing NSW to attend to the repairs which they did promptly.

One would expect the state as landlord to act professionally.

But lo, the practices of some Client Service Officers with Housing NSW are reduced to the lowest common denominator in the residential rental market. It appears that for many years

some Client Service Officers have been fudging it. They show everything in the house or flat is clean, working and in good condition.

But, in fact, the Client Service Officer hasn't done an inspection at all.

The consequences of this can lead to a great injustice.

In the absence of an accurate record of the premises at the beginning of the tenancy, the tenant may unfairly be held liable for replacement items and expensive repairs when they move out.

At best this practice is sloppy. At worst, it involves a Client Service Officer knowingly making false representations about the condition of premises. Fudging it should be stamped out. ☹

Based on an article in The Voice of Pensioners and Superannuants of NSW, October 2008 (forthcoming).