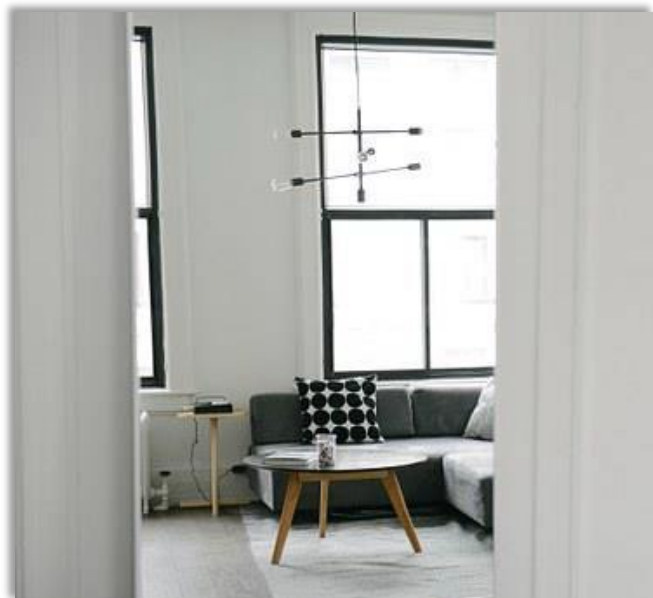


ACPT Leasing and Licensing Guides

Renting Out A Residence



Planning and Approvals

Regional Bishop

The first thing to do is to get your regional bishop's approval of the parish's plans to rent out the property.

Standing Committee

The parish council will then need to make sure it has an ordinance that authorises the letting of the property. The standard master trust ordinance includes this authority for all parish property. If the parish does not yet have a master trust, the ACPT will use its powers under the Anglican Church Property Trust Diocese of Sydney Ordinance 1965, to rent the residence for a maximum of twelve months. This is on the condition that the parish must promote its own master trust ordinance to authorise the ongoing lease.

Parish Council

The parish council will also need to record its approval of the suggested lease. The ACPT has a standard form which the parish council can sign. It will need to be customised with the name of the tenant (if available); the property address, the length of the agreement and the rent payable.

Quick Steps

1. Seek bishop's approval
2. Check you have an authorising ordinance
3. Parish council approval
4. Choose a managing agent*
5. Send agency agreement to ACPT to sign
6. Condition report completed
7. Lease signed and tenant moves in

After tenancy

8. Tenant is given or gives notice
9. Tenant moves out
10. Inspection and bond return negotiated with tenant
11. Bond claimed and returned to tenant or retained by parish as appropriate

* If the parish chooses to self-manage the tenancy see section below.

Appointing a Leasing Management Agency

Parish Council may decide that a real estate agent

should be appointed to select tenants and to manage the tenancy. After speaking to a number of real estate agents, the Wardens should choose an agent and negotiate terms. The agent's standard managing agency agreement will be prepared and signed by the agent.

Please advise the agent that when preparing the agreement that the following details should appear:

- Owner's name: Anglican Church Property Trust Diocese of Sydney
- ABN: the Parish ABN
- Contact details: c/- The parish's mailing address
- Agent's Legal and Trading Name
- Address of the Property to be let
- Management Fee
- Details of the parish bank account for rent payment.

Please note that there is an important amendment that need to be made to a standard managing agency agreement prior to the agreement being signed by the ACPT. It is:

- The deletion of any clause which allows the agent to extend a lease on the owner's behalf;

The deletion of this clause ensures that the parish is made aware of the expiry of the current lease and can make decisions on the future use of the property at appropriate times. This is because the agent will have to refer to the Parish for instructions before the lease term ends.

The Managing Agency Agreement must then be sent to the ACPT to be signed, along with a letter of request from at least two of the Wardens.

Self-managing the leasing of a residential property

If a parish chooses to self-manage the letting of their property, it is important to be aware of the legislation about renting properties that applies. Detailed information can be found on the Office of Fair Trading website

<http://www.fairtrading.nsw.gov.au>.-Being a landlord. The paperwork needed can be downloaded or completed on-line on the Fair Trading website. These documents include a standard form Residential Tenancy Agreement and a New Tenant Checklist, which you must be provided to the tenant at the beginning of their tenancy. It is also important to make sure that a condition report for the property is completed by both a parish representative before the house is occupied and the tenant as soon as they move in.

In the case where the wardens are planning on managing the lease, please note that the lease must be signed by the ACPT. Please provide

- two copies of the lease signed by the tenant,
- a parish council consent and
- the bishop's consent

to your regional ACPT manager to have the lease signed.

A consideration when thinking about self-management is that landlords are required to register with Rental Bonds Online in order to manage the bond. This registration requires ID checks and should only be undertaken by the wardens on the understanding that they must be available at the end of the tenancy to arrange for the bond to be returned to the tenant.

Deciding on the rent

The parish is to charge fair market rental for the property. It is not difficult to use the internet to find out what rent is being charged for similar properties in your area. If the parish plans to charge less than market rate, prepare a written explanation of the reasons and provide it to your regional bishop and ACPT manager for their approval.

Bond / Security

Tenants for any residential lease will pay a bond which is usually the equivalent of four weeks' rent. By law this must be paid to the NSW Government Rental Bond Board (RBB). Landlords or their agents must give tenants the option to lodge and manage their bonds through Rental Bonds Online (RBO). Once registered with the service, the landlord (or managing agent) and the tenant log on to their separate RBO accounts to do rental bond transactions. This replaces having to sign and send paper forms to lodge or refund a bond.

Tenants do not have to lodge their bonds online. Where tenants do not meet the requirements for an online bond, you may send the Rental Bond Lodgement form with a cheque or money order to RBB or lodge the bond over the counter at any Service NSW centre. After RBB has finished processing the lodgement, you will be able to see the bond in the RBO 'Your bonds' list and you can also view the bond details. These bonds are referred to as 'paper based' (displayed as 'Paper' in RBO). You will not receive online notifications

regarding these bonds. Tenants cannot view or transact paper-based bonds online in RBO.

If the parish's real estate agent provides the Rental Bond Lodgement Form it can be signed by the Wardens. When the tenant leaves the premises at the end of the tenancy, the wardens should ensure that the bond is returned to the tenant as quickly as possible (or retained by the parish if that is necessary – see following).

Record Keeping

Make sure the parish has a copy of the lease and the condition report at the beginning of the tenancy.

At the end of the tenancy

At the end of the tenancy the tenant and wardens should discuss the returning of the bond to the tenant. If the tenant has damaged the property or the rent is not up to date, the landlord can claim an appropriate amount from the bond. It is the landlord's responsibility to provide proof of any claim to the Office of Fair Trading. If the wardens want to withhold some or all of the bond and the tenant does not agree with the amount claimed, the wardens can make a claim using either RBO or the Claim for Refund of Bond Money without the tenant's signature. (The claim form is available on the Office of Fair Trading website.) In that case a notice of the claim will be sent to the tenant, with fourteen days provided for the tenant to apply for a Consumer, Trader and Tenancy Tribunal hearing, and notify the Office of Fair Trading that they have done so. If no action is taken the Office of Fair Trading will refund the bond according to the first claim form they have received. The tenant is able to take the same action in the case of a dispute, so Wardens should be aware of any claim notification issued should there be a disagreement about the bond.

If the property is a house and it has a swimming pool or spa pool, you cannot lease it out without a valid certificate of compliance or relevant occupation certificate.

Checklist – what you need to do and have to rent your property

	Agent Managed	Parish Managed	Your records
Bishop's/Archdeacon's written approval	Yes	Yes	
Authorising Trust Parish Master Trust or ACPT 1965 Ordinance	Yes	Yes	
Parish Council consent	Yes	Yes	
Evidence of fair market rent rate	Yes	Yes	
Managing Agency Agreement	Yes	No	
Request to APCT to sign Managing Agency Agreement signed by at least two wardens	Yes	No	
Rental Bonds Online Registration	Agent will supply	Yes	
Tenancy Agreement		Yes	
New Tenant Checklist		Yes	
Condition Report Copy for parish to complete Copy for tenant to complete		Yes	

Your ACPT Regional Contacts

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