

How do You Make Landlords Accountable for Tenants?

Back in 2018, NCAT decided that a landlord is not responsible for ensuring that his or her tenants comply with the by-laws that apply to a strata building. That decision was confirmed by the Appeal Panel of NCAT in Feletti -v- Eales [2019] NSWCATAP 100.

Therefore, if a tenant is breaching a by-law, the owners corporation of the building is not normally entitled to take action against the landlord to require the landlord to ensure that his or her tenant complies with the by-law.

This means that the owners corporation needs to take action against the tenant instead of the landlord which it may not want to do because tenants come and go and it can be difficult to enforce NCAT orders against them.

How to Make Landlords Accountable for Tenants in Strata?

There is, however, a solution to the problem.

- An owners corporation can make a by-law that requires landlords to ensure that their tenants comply with the by-laws.
- That by-law will give the owners corporation the right to take action against a landlord when his or her tenants breach the by-laws.
- The by-law goes one step further and will also allow an owners corporation to take action against both landlords and tenants whose guests and invitees breach the by-laws.

Tenancy Laws are Changing in NSW in 2025

More recently the NSW Government has committed to ending 'no grounds' evictions. This means that the landlord will need a valid reason to end a tenancy, making it even more challenging for owners corporations if they're a bad tenant – new laws are expected to be passed in 2025.

It's now even more important that strata schemes consider introducing the following by-law to ensure a thriving and a well-run scheme.

We have drafted a by-law and a number of strata managers have introduced the by-law into the strata schemes they manage.

We expect that the by-law will prove very useful for owners corporations who introduce it because it will allow those owners corporations to take action against landlords whose tenants are breaching the by-laws.

[ORDER YOUR BY-LAW NOW: ENFORCE LANDLORDS TO BE RESPONSIBLE FOR THEIR TENANTS](#)



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Since 2002 Adrian has specialised almost exclusively in the area of strata law. His knowledge of, and experience in strata law is second to none. He is the youngest person to have been admitted as a Fellow of the ACSL, the peak body for strata

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Contact Us

For all strata law advice including by-laws, building defects and levy collections contact our specialist NSW and Sydney strata lawyers [here](#) or call 02 9562 1266, we're happy to assist.