

# How do You Make Landlords Accountable for Tenants?

## Getting Your By-Laws Right: Making Landlords Accountable

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.

**So, what is the solution to this problem for owners corporations?**

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.

We have drafted that 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.

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.

**Order Your By-law Here!**

If you would like to find out more about the by-law, or you are interested in purchasing the by-law from us, please [email us here](#) or call 9562 1266 now.