

Can Tenants Apply to NCAT for Rent Relief for Defects?

Tenants, Building Defects, NCAT and Rent Relief

In a recent [case](#), a property manager failed to inform a landlord of defects in the common property of a strata building and take any steps to investigate issues that a tenant had complained about.

The tenant applied to NCAT for a rent reduction as the landlord had breached their obligation to keep the rented premises in a reasonable state of repair as water leaked into the premises. The tenant was successful.

Who Could be Liable?

If a tenant claims rent relief from NCAT due to defects in a strata building, it's important to note that NCAT could deem that it is the responsibility of the:

- Landlord who could lose rent (or worse) if they do nothing;
- Property manager if they fail to fix defects in the premises that they are authorised to repair following a tenant's complaint in a timely manner;
- Property manager if they have not advised the landlord of defects (where they are not authorised organise repairs) following a tenant's complaint;
- Owners corporation who could also be held liable for a

landlord's loss of rent.

A Timely Reminder for Managing Agents!

Ensure your professional indemnity insurance is current;

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- Obtain landlord consent on a minimum amount for repair works which can be dealt with without the landlord's approval;
- Allocate sufficient resources to attend to repair requests in a timely manner to avoid issues which could lead to court proceedings;
- Request that any common property defects are promptly repaired by the owners corporation;
- Ensure that the relevant [strata by-laws](#) for the apartment block are up to date to minimise your risk

Here we share some cases...

- <https://www.caselaw.nsw.gov.au/decision/18261da0208ae3ceaf03173b>
- <http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/nsw/NSWDC/2019/9.html>

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.