

The Repair Kit

Getting Housing NSW to repair your home

A handy guide for
public tenants



Acknowledgements

This kit was produced by the Inner Sydney Tenants' Advice and Advocacy Service, a tenants' advice service housed within Redfern Legal Centre

It was designed and printed with funding from the Lord Mayor Clover Moore MP Salary Trust

See www.clovemoore.com/lmtrust for more information

We would like to give a special thank you to Clover Moore for her support, not only in printing this kit, but also for our service over the years and directly to public tenants within the Sydney electoral district and the City of Sydney LGA.

This kit can be downloaded at rlc.org.au



Redfern Legal Centre

73 Pitt Street

Redfern NSW 2016

Phone: (02) 9698 7277

Fax: (02) 9310 3586

Email: info@rlc.org.au

Web: www.rlc.org.au

Contents

Part 1: Housing NSW's Responsibility For Repairs To Your Home	4
Housing NSW's responsibility to repair your premises	
Your responsibilities as a tenant when repairs need to be made	
Part 2: Notice To Housing NSW Of The Need For A Repair	6
How to notify Housing NSW that a repair needs to be done	
Part 3: Urgent Repairs	9
What you can do if a repair is urgent	
Part 4: Applying To The Consumer, Trader & Tenancy Tribunal (CTTT)	11
What you can do if Housing NSW refuses to do repairs or ignores your request to do repairs	
Part 5: Repair Orders, Compensation and Rent Reduction Claims	14
Part 6: What Else Can I Do?	17
Contact the Human Rights and Equal Opportunity Commission: Disability Discrimination	
Contact the NSW Ombudsman	
Contact the Minister(s) responsible for Housing NSW or your local member of State Parliament	
Ask the Chairperson of the CTTT to refer the matter for investigation and prosecution	
Contacts for Further Advice and Information	19

Part 1: Housing NSW's Responsibility To Repair Your Home

Your home can be a flat or a house, but Housing NSW and the law will call it your **premises**.

Premises means a building or part of a building, and can also include the land the building stands on.

As your landlord, Housing NSW has a duty under the Residential Tenancies Act 2010 (NSW) to:

- Provide your premises to you in a reasonable state of repair at the beginning of your tenancy; and
- Maintain your premises in a reasonable state of repair during your tenancy.

What is **reasonable** can change. Often it depends on the facts and details of each case.

This responsibility to make repairs applies to your home (premises). It also covers any parts of your premises that you share with other people, including a garage or garden.

Housing NSW's duty to repair at the start of your lease

Housing NSW has a duty to make sure your property (premises) is in a reasonable state of repair at the beginning of your lease. This means you can expect all repairs to have been made before your tenancy starts. You should not have to oversee tradespeople, or let them into your home, for repairs that should have been done before you start your tenancy.

You must have a really good look and inspect your premises at the start of your tenancy and make a note on the condition report of any repairs that need to be done. This report forms part of your tenancy agreement. Make notes of any doors, windows, ceiling/light fittings, blinds/curtains, power points and floor coverings that need repairs done. If you have a camera, you should also take photos of the things that need repairing.

If any repairs need to be made, you should follow these up with Housing NSW as soon as possible (see *Part 2: Notice To Housing NSW Of The Need For Repairs*).

Housing NSW's duty to repair during your lease

Housing NSW has a duty to maintain your property (premises) in a reasonable state of repair during your tenancy.

But this duty to do repairs during your tenancy depends on you giving Housing NSW notice of the need for repair, and on Housing NSW having been given a reasonable time to make the repair.

It is very important that you contact Housing NSW as soon as you know that repairs need to be done (see *Part 2: Notice to Housing NSW of the need for a repair*).

Housing NSW's duty to repair your property during your lease does NOT extend to:

- Repairing damage caused to your property by your deliberate or careless (negligent) action; or
- Work that could be seen as a renovations to your property. Renovations are any works that improve the property, such as a new kitchen, and that make it worth more money.

Housing NSW is responsible for sewage overflows, broken smoke alarms and any appliances it has supplied.

Your responsibility as a tenant

You have a duty under section 51 of Residential Tenancies Act 2010 (NSW) and under your tenancy agreement to:

- Keep your home reasonably clean.
- Notify Housing NSW of any damage to your home as soon as you can after you find out about it.
- Not cause or allow either on purpose or by being careless any damage to your home, including any damage done by visitors.
- At the end of your tenancy leave your home as near as possible in the same condition (apart from fair wear and tear) as set out in the condition report completed at the start of your tenancy.

Summary

Housing NSW has a duty to:

- Provide your property (premises) at the start of your tenancy in a reasonable state of repair; and
- Maintain your property in a reasonable state of repair.

What is **reasonable** can change. Often it depends on the facts and details of each case.

But Housing NSW is NOT responsible for:

- Keeping your property clean; or
- Repairing damage that you did on purpose or because you were careless; or
- Renovating or improving your property during your tenancy.

Part 2: Notice To Housing NSW Of The Need For A Repair

You should contact Housing NSW as soon as possible after you find out a repair is necessary.

Contact Housing NSW: telephone Housing NSW's Housing Contact Centre

Telephone Housing NSW's Housing Contact Centre on 1300 468 746. (This is sometimes called the Maintenance Line.)

This service operates 24 hours a day, 7 days a week, all year round.

Your local Housing NSW office has a telephone in the lobby with a direct link to the Housing Contact Centre that's ready for you to use during business hours.

Sometimes, you may be on hold for a long time, so you may decide to ring later. (For example, the Housing Contact Centre might be busy during the day so it may be better to ring in the evening.)

What you need to remember when calling Housing NSW

When you call the Housing Contact Centre you will be asked to provide the following information:

Your client reference number: This is the reference number that Housing NSW has given you. Your client reference number appears on letters to you from Housing NSW.

If you cannot provide your client reference number you will be asked other questions to identify you as the tenant (such as your name, address and date of birth).

Details of the repair needed: Give Housing NSW as many details as you can when you describe the repair.

You should:

- Ask when the repair will be made (see housing NSW's Expected Response Times below).
- Ask for the job reference number.
- Make a note of your telephone conversation, including:
 - the date and time of your call
 - the name of the person you spoke with
 - what you discussed
 - the expected response time
 - the job reference number.

If you can't contact the Maintenance Line you can write a letter to Housing NSW telling Housing NSW about the difficulty you had trying to contact the maintenance line.

An example of a letter to Housing NSW describing how you could not contact the Housing Contact Centre follows on the next page.

What can you expect Housing NSW to do?

In most cases, the Housing Contact Centre staff member will decide, on the spot, what needs to be done. They will decide how urgent your problem is and should tell you when you can expect the repair will be done.

Housing NSW's expected response times are:

- **Up To 4 hours** for maintenance problems that immediately threaten your health, safety or security and need action at once (for example electrical danger or sewer overflows).
- **Up to 24 hours** for problems that threaten your safety or security and need action quickly (for example no working lights inside, blocked drains outside or broken smoke alarms).
- **Up to 48 hours** for essential items that have broken (for example hot water heaters or room heaters installed by Housing NSW).
- **Up to 72 hours** for other essential items that are broken (for example stoves, washing machines and dryers supplied by Housing NSW or entry door locks that are difficult to open or lock).

- **Up to 20 working days** for general repairs that need to be done to keep things in good working order under the planned program of works (for example making windows easier to open or close).

Planned program of works

In some cases Housing NSW may not think the repair has to be done within these response times and Housing NSW may suggest the repair can wait until the next planned program of works for your premises.

If this is the case, ask for details of when the next planned program of works for your property will happen.

Repairs should be made within a reasonable time

Housing NSW has a duty to do repairs to your property (premises) within a reasonable time.

What is reasonable depends on the individual facts and details of each case. For non-urgent maintenance and repairs (such as updating a bathroom) it may be reasonable for Housing NSW to say you have to wait for the repairs to be done as part of the planned program of works.

You may have the right to have your repairs done more quickly if:

- You think the response time you are given when you call the Housing Contact Centre is unfair or asking too much; or
- You are told that you must wait for the repair to be done as part of Housing NSW's planned program of works and you think that is unreasonable because you will have to wait too long;
- It is an urgent repair (see **Part 3: Urgent Repairs**).

When this happens you should contact your Client Service Officer (CSO).

Sample letter

Dear Housing NSW,

Re: Unable to contact the Housing Contact Centre

I am writing because I could not get hold of the Housing Contact Centre.

On *[write the date]*, at *[write the time]* *[include all dates and times when you tried to contact the Housing Contact Centre]* I tried to contact Housing NSW about the repair of the *[write what needed repair]* in my home. I was on hold for *[how long on hold]*, but my call was not answered.

As tenants have to request repairs through the Housing Contact Centre, could you please tell me about plans to improve the service to the Housing Contact Centre.

Importantly, could you please let me know the best way to contact Housing NSW about the repair of the *[write what needed repairing]*, because the continuing repair problem means I am not getting the services agreed under my lease. Housing NSW's failure to fix the *[write what needs repair]* is causing me great difficulty and distress because I am forced to put up with the *[broken/not working]* *[what needs repair]*.

Kind regards,
[your name]

Contacting your CSO

You should contact your CSO at Housing NSW if:

- You have been given an expected response time when you called the Housing Contact Centre and the repairs have not been done by then; or
- You have been given an expected response time or have been told that the repair will have to wait for the planned program of works and you think that is unreasonable because you will have to wait too long.

If your CSO does not reply or answer, then ask to speak to his or her team leader. Follow up any discussions you have with your CSO or the team leader with a letter repeating (confirming) what you discussed (see below for an example). Also keep a copy of your letter for your records. This means you can show that Housing NSW had notice of the need for the repair, which will be important if you have to take this matter to the Consumer, Trader & Tenancy Tribunal (see **Part 4: Applying to the Consumer, Trader & Tenancy Tribunal (CTTT)**).

Sample letter

Dear Client Service Officer,

Re: Window repair issues (Job reference number: 12345678)

I write to confirm my telephone conversation with you on 7 July 2011, at 11:00am. I told you that I called the maintenance line on 6 June 2011, at 6:30pm, to report a crack on my bedroom window. I was told that it would be repaired within 7 days, but more than a month later it still has not been repaired and the crack has now become bigger.

When I called you on 7 July, you confirmed that Housing NSW would send a contractor to replace the glass by 17 July 2011.

Please ask the contractor to call me on 00 0000 0000 to arrange a convenient time to do the repairs.

Kind regards,

[your name]

Part 3: Urgent Repairs

If your property (premises) needs urgent repairs and Housing NSW does not carry out urgent repairs immediately (that means within 72 hours), you have the right to arrange for repairs of up to as much as \$1,000 to be done. You then can ask Housing NSW to repay the cost of the repairs.

Urgent repairs are defined in the Residential Tenancies Act 2010 (NSW) as:

- a burst water service,
- an appliance, fitting or fixture that uses water or is used to supply water that is broken or not working properly and is wasting lots of water,
- a blocked or broken toilet system,
- a serious roof leak,
- a gas leak,
- a dangerous electrical fault,
- flooding or serious flood damage,
- serious storm or fire damage,
- a failure or breakdown of the gas, electricity or water supply to your home (the residential premises),
- a failure or breakdown of any essential service in your home for hot water, cooking, heating, cooling or laundry,
- any fault or damage that makes your home unsafe or insecure.

Note: If your repair is not on this list, Housing NSW will not think it is urgent. This means you must follow the steps set out in *Part 2: Notice To Housing NSW Of The Need For A Repair*.

Steps for urgent repairs

Step 1 – Notify Housing NSW

1. Telephone Housing NSW's Housing Contact Centre on 1300 468 746 and tell them about the urgent repair. Make sure that you explain clearly that the repair is urgent and needs immediate attention.
2. Keep a full written record of the telephone conversation, including the time you made the call, the person you spoke to, the reference number of the call, and what was discussed.
3. You must allow Housing NSW a reasonable opportunity to make the urgent repairs. This includes letting people enter your home (including during the day) so the repairs can be done.

What is a reasonable opportunity will depend on the facts and details in each case. For example, it was not reasonable for Housing NSW to ask a tenant with a burst water pipe causing serious flooding inside their property to wait 72 hours for the repairs to be made. In that case the tenant made his own arrangements to get the water pipe repaired and then Housing NSW had to repay him.

Step 2 – Making your own arrangements and then asking Housing NSW to repay you

If your property (premises) needs an urgent repair and Housing NSW does not do it, under s64 of Residential Tenancies Act 2010 (NSW) you have the right to make your own arrangements to have the urgent repairs done and for Housing NSW to repay you up to \$1,000 for the cost of the repairs, **provided that:**

1. The damage was not done by you or your guests on purpose or by being careless; and
2. You have given Housing NSW notice of the need for the urgent repair and followed all the steps set out in Step 1 – Notify Housing NSW (above); and
3. You arranged for the repairs to be done by a licensed or a properly qualified tradesperson; and



4. As soon as possible after the repairs were done, you wrote to Housing NSW and gave full details of the repairs, how much they cost and included copies of receipts for all the costs you had to pay in arranging the repairs (see below for example).

Important things to remember

Housing NSW has to repay you within 14 days of you giving written notice for the reasonable costs you had to pay to get urgent repairs.

You will be repaid only if the cost is reasonable. It is always a good idea to compare prices and get more than one quote to make sure the cost of repair is reasonable.

There is a risk that Housing NSW may not accept or may argue with your claim. If this happens, you will have to apply to the Consumer, Trader & Tenancy Tribunal (CTTT) to get your costs back (see **Part 4: Applying To The Tribunal**). Because of this risk, you should only arrange to get repairs done if you are confident you have a good case:

- You must have given Housing NSW notice of the need for the urgent repair (including following all the steps in Step 1 – Notify Housing NSW).
- If Housing NSW has given you an expected response time that you consider unreasonable because it is too long, explain this to them, and tell them you feel you have no choice but to make your own arrangements for the repair and then ask to be repaid for the cost.
- If Housing NSW has failed to carry out the repairs within the time promised you should telephone the Housing Contact Centre and ask why they have not made the repair as promised. Tell them that you have been left with no choice but to make your own arrangements for the repair and that you will ask to be repaid for the cost.

- If possible (and especially if the repair is likely to cost a lot) think about speaking to a local Tenants' Advice Service to check if they think it is the right thing to do, given the facts and details of the case. You can find your closest tenancy service by going to www.tenants.org.au and typing in your postcode.
- If you have a camera, take photos of any repairs to be done.

Sample letter

Dear Housing NSW,

**Re: Burst pipe at (address of premises)
(Job reference number: 12345678)**

I write to ask to be repaid the cost to repair a burst water pipe on my property.

On 7 July 2011, at 8pm, I told John Smith at Housing NSW via the Maintenance Line, that my water pipes had burst, flooding the bathroom and the corridor. John told me that Housing NSW will come to repair the pipes within 72 hours. As the water had already soaked my hallway and was about to flood the bedroom and lounge room, I told him that I could not wait 72 hours. When he kept saying that this was how long I had to wait, I called an emergency plumbing service.

I enclose the invoice for the emergency plumbing service for \$\$\$\$. Please pay me back within 14 days.

Part 4: Applying to the Consumer Trader and Tenancy Tribunal (CTTT)

If you can't sort out your repair problem with Housing NSW, you should think about making an application to the CTTT.

You should make an application if:

- You have contacted the Housing Contact Centre, and your CSO, and your repair problem has not been sorted out in a reasonable time.
- You have made an urgent repair using the same steps as set out in Part 3: Urgent Repairs, and you have given Housing NSW full details of the expenses you had to pay for, but Housing NSW has either:
 - Failed to pay you back within 14 days of you providing details of the expenses you had to pay for; or
 - Argued it does not have to repay you.

You can make an application to the CTTT and represent yourself. You do not need legal representation. Cases in the CTTT are less formal than in courts. They are designed to sort out disputes in a way that you can afford, is easy to use and works well and quickly. People are encouraged to run their own case without legal representation and solicitors are only allowed in special cases. Although representing yourself may seem frightening, you can expect to have your case heard and decided (also called 'determined') fairly and according to the law.

The CTTT has a Social Housing Division that deals with arguments about social housing, including properties (premises) where the landlord is Housing NSW.

To start a case (also called 'proceedings') at the Tribunal, you will need to complete an application form and lodge it at the Tribunal with an application fee.

Application options

Option A: Apply online

- Go to the CTTT website at www.cttt.nsw.gov.au
- Click Applications.
- Click the Quick Link to Lodge Online.
- Click lodge an application online.
- Click Non Registered (go to Lodge Now).
- Select Residential Tenancy Division.
- Select Social Housing Tenancy.
- Select tenant.

If you choose this option you will need to use a credit card to make online payment.

Option B: Apply using a hard copy. Download the Social Housing Division Application Form.

You can get this from the CTTT website, or collect it in person from a CTTT Registry, a Fair Trading Centre, or your local Tenancy Service.

You can post the completed application form (and fee) to your local CTTT registry or deliver it in person. See the CTTT website for your closest CTTT registry.

Completing the application form

The application form appears to be long and complicated, but you only need to complete the first two (2) pages. The important things to note are:

Applicant – You are the Applicant. You need to tick the box at section 1 that specifies that you are a Tenant.

Respondent – The Respondent is the NSW Land & Housing Corporation. You need to tick the box that says Landlord at section 5.

What orders do you want? – You need to identify in detail at point 10 what orders you want the Tribunal to make. There are examples of orders attached to the application form. You will find the examples of orders for repairs on page 8 of the Application Form.

The orders you are most likely to ask for are:

- An order that the landlord carry out repairs (section 65(1)(a) of the Residential Tenancies Act)
- An order that the landlord repay (reimburse) the tenant an amount of money for urgent repairs carried out by the tenant (to a maximum of \$1,000) (section 65(1)(b) of the Act)

Other orders you may ask for are:

- An order to allow a lock or security device to be changed or removed or added (s 73(a) of the Act); for example, if the lock or security device is in disrepair
- An order reducing the rent payable (section 44 of the Act).

Recent CTTT hearings have made orders for rent reductions, especially where there has been a continuing repair problem. But because working out the rent reduction is not something that is clear and simple, different CTTT Tribunal Members may decide different orders. You may find that Client Service Officers agree to rent reductions during conciliation when tenants and Housing NSW try to find a way to work out the matter, and that these agreements are then made into orders by the member.

- Please see Part 5: What Else Can I Do? If you think your story could be useful.

What are the reasons for requesting the above orders? – You should explain why you are asking for the orders. You do not have to go into great detail, but include the repairs, the dates and times you contacted Housing NSW, what was in any communication with Housing NSW and anything that has been done about the repair.

Application Fee – You must pay an application fee when lodging your application. As at July 2011, the application fee for a Social Housing Application is \$5.00 for people on a Centrelink benefit, as well as students. People who do not have a Centrelink or student card will have to pay \$36.

Attachments – If there is not enough space on the form for all your information, such as more information about the orders you are seeking, you can attach more pages to the form.

Example 1

The window in the main bedroom is cracked and the glass needs to be replaced. I contacted the HNSW Maintenance Line on 6 June 2011 and my Client Service Officer on 7 July 2011. My CSO told me that HNSW would fix the window by 17 July. So far nothing has happened.

Example 2

On 7 July a water pipe in my bathroom burst and flooded my hallway. I notified the HNSW Maintenance Line the same day, but they told me it would take up to three (3) days for someone to fix it. So I called a plumber and paid him \$740 for his service. I ask that HNSW repay me for the urgent repair.

How to get a copy of your Housing NSW file under the Government Information (Public Access) Act 2009

If you do not have all the information that you need to complete the application form, or so you can tell the full history of your repair problem to the CTTT, then think about making an application to Housing NSW for a copy of your file under the Government Information (Public Access) Act 2009.

When should you make this request?

You may want to think about applying for a copy of your Housing NSW file if, for example:

- You did not keep a full record of your telephone conversations or telephone calls with Housing NSW. Details of these should be on your Housing NSW file.
- You believe that Housing NSW may have information that may be useful to your case. (For example, you were told that a contractor would come to do the repair at a certain time, but they did not come, or they came for an inspection only and did not do the repair. Your Housing NSW file may contain useful information about why this happened.)

How to apply

To apply for a copy of the information you need for your case that is on your Housing NSW file, you need to complete a Housing NSW form called Informal Request For Information.

You can ask for a copy of this form from your local Housing NSW office, or from your local Tenants' Advice Service.

Or you can download a form from Housing NSW's website at www.housing.nsw.gov.au. Click Forms, Policies & Fact Sheets.

- Click Forms
- Click Government Information (Public Access) Act 2009
- Click Informal Request for Information Form.

How to fill in the form

In the section of the form headed 'Information Needed' tick both boxes, ie 'Personal' and 'Non-Personal' and write clearly the information you need. For example, you might ask for: "All information held by Housing NSW relating to the burst water pipe at [your address]."

When you have completed the form, you should post it or deliver it to Housing NSW. Remember to keep a completed copy of the form for your records. The form is free to lodge, but if it takes Housing NSW more than two (2) hours to deal with your request (because of the amount of information involved), you may have to complete a Formal Request for Information Form, which has an application fee of \$30.

If you lodge a Formal Request for Information Form, Housing NSW must respond to the application within 20 days (although it may be allowed to be longer in certain cases). In most cases it will take less than two (2) hours to process your application and you should not be asked to pay a fee.

Part 5: Repair Orders, Compensation and Rent Reduction Claims

Repair orders

You can apply to the CTTT for orders that the landlord fix the repairs you have identified and/or an order that the landlord repay you the cost for making urgent repairs. If you are asking for repairs to be done, make sure you have already given notice to Housing NSW about the repairs and have allowed reasonable time for the landlord to complete the repairs.

If you want to be repaid for urgent repairs, you must also make sure the repair falls within the meaning (also called the 'definition') of an 'urgent repair' (see Part 3: Urgent Repairs).

Compensation and rent reduction

A breach is when you break an agreement. If you lose money or can't use parts of your home as a result of Housing NSW's breach of the Residential Tenancy Agreement and if Housing NSW does not fix repairs, you can apply to the Consumer, Trader and Tenancy Tribunal (CTTT) for payment in return for a breach of the agreement (this is also called compensation).

There are two types of compensation you can apply for at the CTTT:

- **Economic loss** resulting from a breach by the landlord
- **Rent reduction** as a result of a withdrawal of part or all of the premises because of the lack of maintenance and repairs.

Economic loss

If, as a result of a breach by the landlord, you had to pay costs or your goods were damaged or lost, you can apply to the CTTT for compensation for economic loss. Economic loss compensation may be granted under section 187(1)(d) of the Act. An order for compensation cannot be made for amounts of more than \$15,000. If you apply to the CTTT for an order for compensation, you will have to show that your loss was a result of a breach by the landlord.

Under section 63 of the Act, the landlord has a general responsibility (or obligation) to keep your property in a reasonable state of repair. As a result, if the landlord does not provide and keep your property in good working order and a reasonable state of repair, this will be a breach of the landlord's general obligation.

You have to apply to the Tribunal within three (3) months of finding out about the breach. If you think you are outside this time limit, you will also need to make an application for more time (an extension of time) and explain to the Tribunal why you didn't apply sooner. Which may be, for example, because the landlord told you they would do repairs, but then didn't do so. Tenants have also been successful in arguing that failure to do repairs is a continuing breach, so there's still some time left.

You can apply for orders that the landlord pay you (or compensate) you for 'economic loss'. For example:

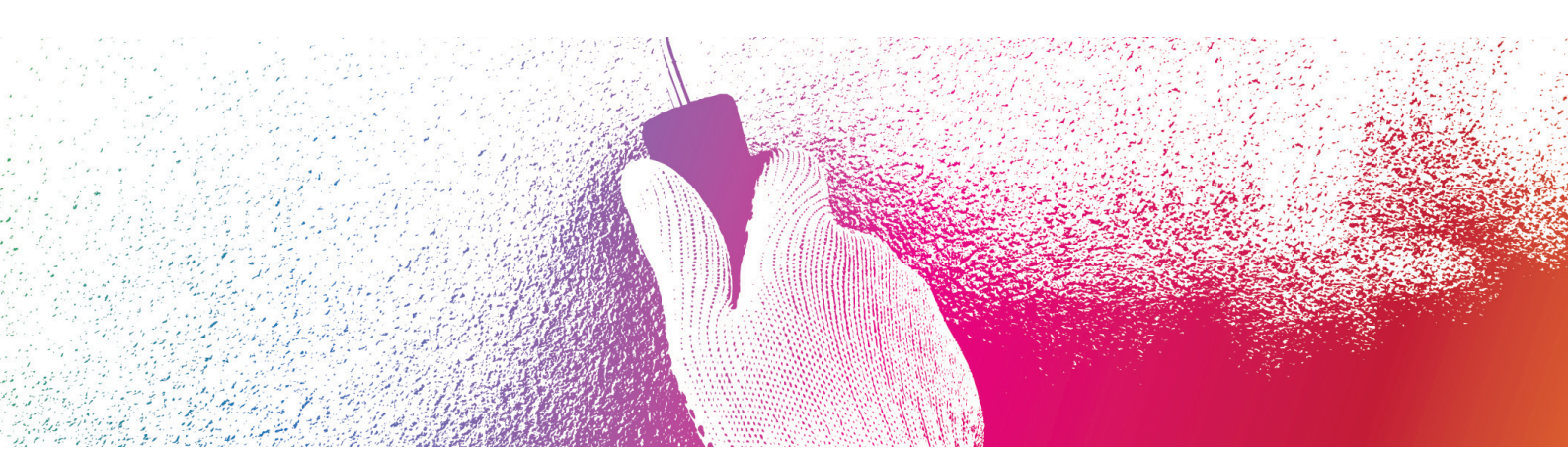
You had to spend money on take-away food because the landlord didn't fix the stove.

Your belongings are destroyed or damaged because the landlord didn't fix a leaking roof.

Rent reduction

Section 44 of the Act says that a tenant can ask for an order from the CTTT that their rent is too high because the landlord has withdrawn goods, services or facilities.

You have the right to apply for your rent to be reduced when the landlord didn't do repairs. If, for example, you asked the landlord to repair the hot water heater, and the landlord did not do so, then you don't have as many facilities as you signed up for in your tenancy agreement. This means the landlord has reduced the facilities and you have the right to argue that the rent is too high.



Section	Orders	Time limit for applying to the CTTT	What you need to show
65(1)(a)	An order that the landlord carry out repairs	Three months or no limit if the breach continues.	Explain what repairs you want done.
65(1)(b)	An order that the landlord repay (reimburse) the tenant an amount of money for urgent repairs carried out by the tenant Note: maximum claim is \$1000	Within three months of becoming aware of the breach (not doing repairs).	Give full details of the urgent repairs done and how much they cost.
44(1)(b)	An order that the rent payable is too high (excessive) due to the reduction or withdrawal of any goods, services or facilities supplied with the residential premises	Must be brought to the tribunal during the tenancy. You cannot lodge an excessive rent claim once the tenancy has ended.	Give details of the goods, services or facilities that landlord has reduced or withdrawn, and the date when this happened.
187(1)(d)	An order for compensation Note: Maximum claim is \$15,000	Within three months of becoming aware of the breach.	Give full details as to why the Tribunal should order the landlord to pay compensation.

If the CTTT finds the rent too high (excessive), it will make an order to reduce your rent. It will decide:

- The rent you will have to pay from the day you asked for repairs to be done until Housing NSW has completed the repairs.

The Tribunal cannot reduce your rent for more than 12 months.

What to do if Housing NSW does not follow (comply with) CTTT orders?

- Renew the matter by filling in the Notice to Renew Proceedings application form, and send it to the CTTT. You will have to pay an application fee (\$36, or \$5 for students and pensioners). Or you can always ask the CTTT member when they are making the orders, to include an order to relist the matter if the CTTT's other orders are not followed. For example, an order to do xxxx by March 2012 and to relist the matter if xxxx not done by April 2012. If you have an order that you can relist the matter, all you have to do is send a letter to the CTTT asking to relist the matter.
- The CTTT does not have power to enforce its own orders. But under s52 of the Consumer, Trader and Tenancy Tribunal Act 2001 (NSW) a person who decides to disobey or does not follow a CTTT order will have to pay a fine of \$5,500 or face 12 months in prison.

TIP

- Keep receipts of the costs you paid for
- Make sure the costs you paid for are reasonable
- Keep a record of your calls and requests to Housing NSW

- Write a letter to the Chairperson of the CTTT asking that they refer the matter to the Office of Fair Trading for investigation and prosecution for not following orders (non-compliance with). The contact details of the chairperson of the CTTT are:
The Chairperson
The Consumer, Trader and Tenancy Tribunal
Level 12, 175 Castlereagh St,
Sydney NSW 2000
- You can also write to the Chief Executive of Housing NSW:
Chief Executive
NSW Land and Housing Corporation
Locked Bag 4001
Ashfield BC 1800
- See Part 6: What Else Can I Do? for other suggestions.

Part 6: What Else Can I Do?

Apart from contacting Housing NSW there are other options available that might help to get your repairs done.

Human Rights and Equal Opportunity Commission: disability discrimination

If you have any physical or intellectual disability and if you believe that Housing NSW's failure to repair resulted in discrimination on the grounds of your disability, you can complain to the Human Rights Commission (HRC).

We have included the following case study as an example of a matter involving a complaint of disability discrimination against Housing NSW.

To make a complaint to HRC:

In writing

Send your written complaint, along with any relevant documents, to:

Director, Complaint Handling
Australian Human Rights Commission
GPO Box 5218
Sydney NSW 2001

You must include your name, address and, if possible, a phone number so HRC can contact you.

See www.hreoc.gov.au/complaints_information/lodging.html for the complaint form, which you can complete and send to HRC, or which you can use to get an idea of the information to include in your written complaint

Online complaint form

Complete the online complaint form at:

www.hreoc.gov.au/complaints_information/lodging.html and submit the complaint form directly to HRC

Case study

John Smith* was a tenant of Housing NSW. John had very bad asthma. Heavy mould growing in his home meant he was at risk of constant asthma attacks. When Housing NSW did not transfer him to another property 10 months after it had agreed to do so, he made a complaint of disability discrimination to the Human Rights and Equal Opportunity Commission.

John entered into conciliation with Housing NSW. The conciliation allowed John and Housing NSW to reach an agreed result with the help of a HRC conciliator. As a result of the conciliation, John received Private Rental Subsidy assistance to move house as well as a compensation payment for pain and suffering.

**Name changed for client's privacy.*

Sample letter

Dear Minister,

Re: Housing NSW Repair Issue.

My name is [your name] and I am a Housing NSW tenant. I lease [your address]. Recently I told HNSW that [describe what needs repairing]. But Housing NSW has not fixed the repair problem and has said it will take [response time] to fix the repair. I think this response time is unreasonable.

Housing NSW's failure to fix the problem is causing me great difficulty and distress because I am forced to put up with the continuing repair problem.

Could you please look into the matter and help to repair my home.

Regards,
[Your name]

By email

Send an email outlining your complaint to:
newcomplaints@humanrights.gov.au

Include your name, address and, if possible, a phone number so HRC can contact you.

If you make a complaint to HRC, HRC may invite you to take part in conciliation. Conciliation is an informal way for you and Housing NSW to try to sort out the matter. You will be guided by a HRC conciliator, who will help both sides discuss and agree to reach a result.

NSW Ombudsman

You can contact the NSW Ombudsman to make a complaint that Housing NSW's has behaved unreasonably in relation to the repair that you need done.

You make a complaint to the NSW Ombudsman:

- **Telephone 02 9286 1000**
- **Online complaint form** Complete the online complaint form at www.ombo.nsw.gov.au/complaints/onlinecomplaintform.asp

Contact the Minister(s) responsible for Housing NSW or your local member of State Parliament

You can make your complaint against Housing NSW known to the Minister(s) responsible for Housing NSW or your local member of State Parliament.

You can find the contact details for the Minister(s) Responsible for Housing NSW at

www.humanservices.nsw.gov.au/about_us/our_ministers

As NSW does not have a Minister for Housing, you should address your letter to the Minister for Family and Community Services.

See the next page for an example of a letter to the Minister(s).

Redfern Legal Centre – Inner Sydney Tenants' Advice Service

Redfern Legal Centre – Inner Sydney Tenants' Advice Service and other services are concerned about repair problems in Housing NSW properties. We need examples of difficulties in getting repairs done to highlight the problems faced by Housing NSW tenants.

If you agree to let Redfern Legal Centre use your story, and are happy to probably talk to the media, please contact Redfern Legal Centre with a short summary of your repair problem and your experience with Housing NSW.

You can send a summary to Redfern Legal Centre:

- **In person or by post:**
73 Pitt Street,
Redfern NSW 2016
- **Fax:** 02 9310 3586
- **Email:** tenancy@rlc.org.au

For further advice on getting repairs done, please contact your local Tenants' Advice Service. You can find your service by going to www.tenants.org.au and typing in your postcode.

Contacts for Further Advice and Information

Australian Human Rights Commission.....	02 9284 9888
Consumer Trader & Tenancy Tribunal Registry.....	1300 135 399
NSW Ombudsman.....	02 9286 1000
People with Disability Australia	02 9370 3100
Renting Services (Rental Bond Board)	13 32 20

Tenants Advice and Advocacy Services

Inner Sydney	02 9698 5975
Eastern Area	02 9386 9147
Inner West	02 9559 2899
Northern Area	02 9884 9605
Southern Sydney.....	02 9787 4679
South West.....	1800 631 993
Western Sydney	02 9413 2677
See full list at www.tenants.org.au	

Aboriginal Tenants' Services

Greater Sydney Aboriginal Tenants Service.....	02 9569 0222
North & North West NSW Aboriginal Service.....	1800 248 913
Southern NSW Aboriginal Tenants Service.....	1800 672 185
Western Aboriginal Tenants Service.....	1800 810 233

Useful Websites

Tenancy Factsheets and Sample Letters.....	www.tenants.org.au
Consumer, Trader & Tenancy Tribunal.....	www.cttt.nsw.gov.au
Australian Human Rights Commission.....	www.hreoc.gov.au
Community Justice Centres (Free Mediation).....	www.cjc.nsw.gov.au
NSW Land & Housing Corporation.....	www.housing.nsw.gov.au
Housing Pathways website.....	www.housingpathways.nsw.gov.au
NSW Ombudsman.....	www.ombo.nsw.gov.au
People with Disability Australia	www.pwd.org.au

