



Laing+Simmons property investor news

Noisy tenants could be a thing of the past!

Party time – student parties, 21sts, late-night barbecues, free-for-all parties that get out of control . . . Landlords had better beware of tenants who like to party on a regular basis, particularly if they have received numerous complaints from neighbours about the noise.

In a landmark ruling, a magistrate has found a landlord to be in breach of a noise-abatement order. The landlords, owners of more than 100 rental properties, have been fined for the actions of their rowdy, partying tenants.

In the past, landlords have been able to ignore complaints from other residents about noisy neighbours and pass it back to the tenants or ask the tenants to keep it down, with no fear of reprisal. However, in a rare move a magistrate has decided that enough is enough and served the noise-abatement order on the landlord, rather than the tenants.

This is great news for the neighbours, the Whittlams (a 71 year old mother and 41 year old son who lived below the unit in question), who claimed they suffered five years of noisy, transient partying tenants who allegedly shouted,

sang at night, slammed doors, played soccer at 2am, swore and played loud music on a regular basis. But the news is not so good news for landlords who may now have to wear the costs of unruly tenants.

Anyone breaching a noise-abatement order can face fines of up to \$5500 as well as charges of contempt of court that could lead to jail terms.

The magistrate found that the landlords were responsible because they could in fact control who they rented their properties to, and could also renovate the property to make it less noisy.

Colin Grace, of Grace Lawyers, whose firm represented the Whittlams, says this was a landmark decision. "It means if a landlord has been told about a problem with their tenants but does nothing about it they effectively 'adopt' the problem and are responsible for it."

Looking on the bright side, there are always plenty of good, quiet tenants who are desperate to find good accommodation!



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What you can and cannot claim in your tax returns for your rental property.

Tax time can often be confusing for landlords. Below is a list of claimable and non-claimable items:

- Capital works deductions – extensions, alterations and structural improvements can be claimed but not the land itself as this is subject to capital gains tax.
 - Some depreciating assets can attract a tax deduction such as curtains, blinds, dishwashers, fridges, stoves, televisions and hot water systems. (The tax office has compiled a full list of depreciating assets on their website.)
 - Repairs such as replacing guttering due to storm damage or repairing electrical equipment. Maintenance such as painting, oiling, cleaning or maintaining plumbing are all deductible. Check the ATO website as there are certain time frames in which these claims can be made. Also, please note these are only claimable during the period that the property is actually rented out.
 - Interest on a loan for capital improvements is tax deductible but only for that portion used for improving the property.
 - Travel to and from your rental property for inspections is tax deductible as long as this is the sole purpose of your trip.
 - Holiday lettings are tax deductible unless they are used by you or your friends free of charge. This will need to be declared as a non-deductible period on your tax return.
 - Borrowing expenses of over \$100 are tax deductible and should be spread over a five year period or over the term of the loan. These include stamp duty on the mortgage (but not on the transfer of the property title); loan establishment fees; title search fees; costs for preparing and filing mortgage documents; mortgage broker fees; valuation fees; and lenders mortgage insurance.
 - Legal expenses are not claimable on the purchase or sale of your property such as solicitors' fees but you can claim the cost of preparing a lease agreement or evicting a non-paying tenant.
 - Other smaller items that are deductible include advertising costs; body corporate fees that apply; council rates including sewerage and water; gardening and lawn-mowing costs; insurance (such as landlord insurance); pest control; property agent fees or commissions; office supplies; phone; and water charges.
- It is important to keep accurate records of:
- Any rental income you receive;
 - Any deductible expenses you pay;
 - Proof of ownership of the property;
 - Purchasing costs;
 - Sale costs.



From the desk of
Melanie van Bentum

WELCOME TO WINTER!!

The season for skiing and snowboarding is upon us and the time for gaining a few kilo's is nearing. So be prepared and fight the urge to warm up with a fresh pie from the bakery.

Winter also means extra moisture in units which can in turn cause mould if your property does not get enough natural light to dry this moisture out. We encourage all tenants to ventilate regularly to ensure fresh air is being circulating thru properties but sometime it is not enough and mould can still form. We will contact you if we are aware of any form of mould issue as it can be a serious health risk and requires urgent attention.

Keep warm and keep healthy.

Kindest regards,

Melanie
Senior Property Manager

Natural disasters and the tax man

Did you know that the Australian Taxation Office has offered assistance to people affected by natural disasters? The ATO will assist by making special arrangements for those who are unable to meet their tax obligations, such as:

- Speeding up the refund process.
- Allowing you extra time to pay debts without interest charges.
- Allowing you extra time to meet BAS and other lodgement obligations without penalties.
- Estimate your tax if your documents were destroyed in the disaster.
- Assist you to claim hardship concessions.

For more information visit the website www.ato.gov.au or call on 1800 806 218.