

Court out by floods Rent worries

Michelle Collins

HANDSHAKE deals on tenancies in the aftermath of the floods could end up in court.

Emily Sim, the national operations manager for property management technology provider Apmasphere, said she expected problems, in the next two months, with the agreements tenants and landlords had made over rent and repairs to rental properties.

Rent is due unless either the tenant or landlord terminates the tenancy because the residence is uninhabitable.

But where the situation can become unclear is when a landlord won't terminate the tenancy and a tenant wants to stay.

"Despite the quality of the property a tenant may want to stay because they have nowhere else to go," Ms Sim said. "That would be OK until they want more than the landlord wants to give, or worse, they become injured."

"The parties may agree on terms initially but if the expected work does not get done or from the tenant's side the rent does not get paid, there is nowhere to negotiate because they are already beyond the

working together, with landlords not charging rent while homes were being repaired.

"Ninety-nine per cent of landlords have agreed to give tenants some leeway with rent," Mr Honeycombe said.

But he said there would be tenants who would "try it on" and want longer rent-free periods, and landlords taking advantage.

He said he had heard of one case in St Lucia where the landlord had said he would charge the tenants rent even though they had to vacate the property and that they would also need to pay for repairs as it was their fault the property had flooded.

Buyers of homes now affected by the flood could also find themselves in a court battle.

Lawyer Tim O'Dwyer said buyers who had contracts on homes that had been flooded were "in a good place".

Under the Property Law Act 1974 a buyer can terminate a contract before completion or possession if the property is so damaged to be "unfit for occupation."

But definitions could be contentious. "If you are halfway through buying a high-rise unit but the basement has been



THE HOUSE IS YOURS: Builder Adam Albrecht (left) is moving out of his home so flood victims Ben and Michia Nugent and their children Christian, Elliot and Lillyarna have a place to stay while their home is restored. Picture: Peter Wallis

Opening home and heart

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BUILDER-owner Adam Albrecht has opened up his heart, his home and his business to help flood victims.

Mr Albrecht, 31, owner of GM Homes with builder partner Garrick Bull, has moved out of his own four-bedroom Gold Coast house to provide a temporary home for his company's general manager Ben Nugent and his family.

He also has offered to rebuild other flood victims' homes within 16 weeks - and pay all their rent while they are

3, and daughter Lillyarna, 6 months, had to move out of their rented home in the Brisbane riverside suburb of Bulimba.

It flooded twice within a week, with water covering the whole block and rising almost 1m deep inside the lower level in the second inundation.

The family lost a fridge, a washing machine, television and entertainment system and, with many of the walls and floors buckled and the house needing to be rewired, they could no longer live there.

This year Christian Nugent starts school at Bulimba and

we couldn't live there under those circumstances," Mr Nugent said.

Mr Albrecht's offer to move out and give them the use of his four-bedroom Coomera home - while he moves in with a mate and they are househunting - has overwhelmed the family.

"It's fantastic. He's been very generous to help us out," Mr Nugent said.

Mr Albrecht's company also is donating to the families of two subcontractors, Toowoomba landscapers, who lost their lives in the floods.

And he is turning his atten-

tion. He is offering to build new homes for flood victims within 16 weeks and pay all their rent - up to \$400 a week - for the four months they are waiting for their house, or for as long as it takes to build.

He says he can guarantee a new home in 16 weeks, as long as councils do not change flood heights and require houses to be raised 2-3m.

The cheapest fully finished four-bedroom home will cost in the mid-\$170,000s and a three-bedroom home in the mid-\$150,000s.

"We're taking the rent out of our builder's margins," Mr