

### FROM OUR PROPERTY MANAGEMENT TEAM



### The best time to telephone your Investment Property Manager!

Just a reminder that if for some reason we are unavailable on the office telephone lines, feel free to leave a message or contact us on the mobile:

**Office: 07 5575 5958**

**Mobile : 0409 899 957**

We are available 7 days  
a week if you need us.

This allows us to look after  
your property more effectively.

**IMPORTANT:** This is not advice. Clients should not act solely on the basis of the material contained in this newsletter. Items herein are general comments only and do not constitute or convey advice per se. Every effort is made to ensure the contents are accurate at the time of publication. Clients should seek their own independent professional advice before making any decision or taking action. We take no responsibility for any subsequent action that may arise from the use of this newsletter. Published by THE PPM GROUP - [www.ppmssystem.com](http://www.ppmssystem.com)

## Dividing Fences

### Who is responsible & who has to pay?

#### Who is responsible?

The law clearly outlines that property owners are jointly responsible for the cost of construction and repair of a 'sufficient fence'.

#### What is a sufficient fence?

A sufficient fence is open to interpretation. However, the Act does list a number of factors that the Court will take into consideration if there is a dispute.

- The standard of the existing fence.
- The way in which the land is used or intended to be used.
- Privacy of neighbours.
- The kinds of fences in the area.
- Local government requirements.

#### What if you cannot agree on price and a fence type?

If one property owner wants a cheap paling fence (that provides privacy, and is similar to the fences in the area) and the adjoining owner wants an expensive Colorbond fence, then the owner who wants the more expensive upgraded fence must pay the additional cost.

#### What if the other owner goes ahead without your approval?

An owner who goes ahead and builds a new fence without consulting the adjoining owner has no grounds under the Act for recovering the cost.



The Dividing Fences Act requires an owner to notify the adjoining owner if they believe that fencing work is needed and they want the costs shared between them.

Continued Over... ▶

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- Do you have lost super or money in a forgotten bank account?
- Do we have your current insurance details?



Essentially, property owners can come to any agreement they want about the cost, type and position of the fence, so long as it would comply with council regulations.

It would be prudent that any agreements are in writing, this would include: type of fence, position of the fence and who is contributing what sum of money.

If you have any agreement in writing and signed, then if either owner doesn't carry out their part of the agreement within the agreed time, the other owner can go ahead and get the work done then recover the money as a debt through the local court.

#### What happens in a dispute?

The disputing party needs to get an order under the Dividing Fences Act at the Local Court. ■



## Do you have lost super or money in a forgotten bank account?

Did you know that there is still billions of dollars in lost super funds and millions of dollars sitting in lost bank accounts in Australia?

To find out if you are missing money it is as simple as visiting the below links.

<http://www.ato.gov.au/super/content.asp?doc=/content/33301.htm&mnu=4750&mfp=001/007>

<http://www.edge.asic.gov.au/unclaimed/simplequery.html>

We wish you prosperity and would love to know whether you or a friend have benefited from this information. ■

## Do your tenants smoke in bed? Are you protected?



Behind closed doors it can be difficult to really know what the tenants are up to. Do they smoke in bed? Are they easily distracted from a boiling cooking pot in the kitchen? Do they have little ones who are looking to get up to mischief?

If a fire was to occur at your property, at least you are insured...or are you?

The question may well be how your Insurer will respond to your claim once the smoke has cleared.

Were you aware that many Insurers' will not pay claims where your tenant has deliberately set fire to your property? Some Insurers' exclude this risk under the 'malicious damage' section as they do not cover malicious damage caused by the tenant.

This may merely be a misunderstanding by the Insurer's representative where although excluded under the 'malicious damage' section, the risk would in fact be included under the 'fire' section. By pressing the Insurer (or by taking it further) it may be that you could have a claim settled successfully that had originally been denied.

The best action of course is to ensure that the policy you have in place will respond to claims when they occur. Ask your Insurer the question 'If my tenant deliberately burns my property down will I be

covered?', and then judge their answer accordingly.

Having the right insurance in place is far more important than saving a few dollars on the premium.

Our office strongly recommends that you take out Landlord Protection Insurance to protect you in the event of the unknown. ■



## Do we have your current insurance details?

If you have not provided our office with the insurance details below (including the insurer, policy number and contact number) or if you have changed your insurance details, we kindly ask that you contact us with these details:

- Building Insurance
- Contents Insurance
- Public Liability Insurance (minimum \$10,000,000 cover) – It is **important** that we hold a current copy of this policy on your property file
- Body Corporate contact details
- Landlord Protection Insurance – This is required only if you have arranged your own insurance outside of our office.

We require this information to ensure that we can effectively manage your investment property.

If unexpected property damage occurs, and we are unable to contact you, we may need to contact your insurance company at short notice to discuss the authorisation of pending repairs. If any details change during the course of our management, it is important to keep our office updated.