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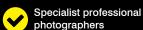
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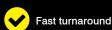
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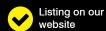


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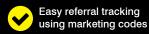
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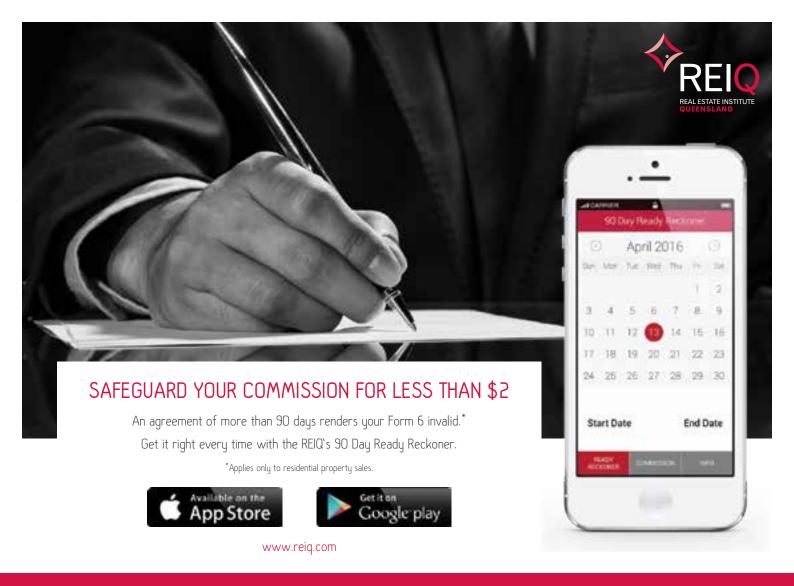
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# **REIQ Mission Statement**

To remain the State's peak real estate organisation, universally recognised for its leadership of the profession and its relevance to real estate practitioners, governments and the community.

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# The REIQ moves into its new home

A WORD FROM THE CHAIRMAN

Last month Lord Mayor Graham Quirk officiated at the opening of the REIQ's new headquarters in Cannon Hill. I often think a person's home says a lot about them, as we tend to choose a home that reflects who we are, our lifestyle and our perspective on life. But over time I think our homes then go further and they start to define us. To shape the way we live and to literally frame our outlook on the world.

o as the REIQ nears its 100th birthday maybe we should have chosen a home without stairs! A place to sit back and put up our feet and to relax. For a lot of reasons we didn't choose that retirement home. We're the voice of real estate in Queensland - and we've still got a lot more to say!

This new home is fresh, vibrant and young. It's full of energy. It's bright and open and forward-looking. Just like us. Our new home will help the REIQ embrace change, to show passers-by that we're determined to live another 100 years. To continue to respect our past, the generations who built this proud organisation. To honour those who've worked to lay our foundations and strength and durability over a century of service.

But to continue adding new stories. Not laying down our tools but adding to and helping our profession into the future. Scaling new heights and being there to support real estate agents in their businesses and careers.

What I love most about my home is the people I share it with. And there's no doubt this organisation's greatest strength is our team. I wanted to publicly thank all REIQ staff, for the important work you do. I hope you love your new home and thankyou for embracing the change.

Sam Walton was the founder of Walmart and famously told business owners, "you can't expect your staff to treat your customers better than you treat your staff". This new home is about giving you the best possible work environment so, together, we can provide the best possible service



to our members and our customers.

And I hope all of you, our members, come together in this place. Regularly. To make it the home of our profession and a place to relax, to mingle and to share. This will be a home where all are welcomed with open arms - or good coffee and WIFI anyway!

I wanted to congratulate my fellow directors on your courage with this investment. After a few tumultuous years financially, it would have been safe and comfy to stay in our previous building. To keep our heads down and to bide our time. The decision to invest in this building was a big one and marks a vote of confidence and a

commitment to the future of the REIQ. This move makes a statement – we're here for the long run.

Finally it's important to acknowledge our CEO Antonia Mercorella. Her tireless energy in the sale of our previous HQ and the purchase and renovation of this building, have had a huge impact on the REIQ. I've never been prouder of this fantastic organisation.

I look forward to seeing you at our new home.

Rob Honeycombe - Chairman
E. RobH@beesnees.com.au
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The new home of realestateVIEW.com.au



- ✓ Dominate your local area with buy/sell leads through Property 360
- 135% increase in traffic to our listing portal over the last 12 months
- Improved online user experience and significant updates to our apps



# Announcing our new real estate jobs portal!

A WORD FROM THE CEO

It's been an exciting month at the REIQ because we've launched two new initiatives that focus on our core mission of delivering exceptional training to the real estate profession.

e have launched a new online recruitment portal, found at www.MyRealEstateJobs.com.au.

The jobs portal is designed to help real estate job seekers and employers by offering a specialised area that is only focused on the real estate profession. Rather than sifting through irrelevant careers on mainstream, catch-all jobs portals, a real estate-specific site will save you time (and money!) by offering only those jobs that you are interested or delivering job seekers who are clearly focused on a real estate career.

We are looking forward to adding to the services and benefits that this will offer so we encourage you to have a look and let us know what you think.

MyRealEstateJobs.com.au is a jobs portal AND a training site offered by the REIQ and is helpfully organised by career choice.

It is designed to help people decide what training they need by first identifying what career path they'd like to choose.

The launch of this new site, which will sit alongside the corporate website REIQ.com, is part of our drive to become more efficient and focus on those parts of our business that deliver on our core mission, as decided by you, our members. We welcome your feedback on these new initiatives.

The focus on training leads to a related topic which is our push for professionalising the real estate industry.

The Chairman Rob Honeycombe and I have met individually with many Queensland parliamentarians



over the past year, pushing our case and getting them to see why it's so important to raise the standards of education for all practitioners.

They have all heard our case and can see the merits of our argument, that consumers deserve a professional dealing with their assets, just as their financial planner is held to professional standards, or their accountant.

A real estate agent is responsible for a person's biggest asset, the source of their personal wealth and the security of their future. It is vital that the agent is educated to a high standard, proficient in all legislative matters and very well trained.

This edition of the Journal is all about training and there is a lot going on in this space at the moment.

The most significant thing is the national government-led review of the training curriculum. This review is long overdue and we'll soon be approaching a point where we need feedback from our members on the prospective changes to the national training package.

It's your opportunity to have your say on what you think an agent should learn in the classroom before they are unleashed into an agency and into the real estate profession. Please participate in this review when we ask for your feedback. You are an important member of the real estate community and your feedback matters.

Read more about this important initiative on page 19.

Speaking of training, it is our ongoing commitment to training that sets an REIQ accredited agent apart from their competitors.

We have some amazing training opportunities at the REIQ at the moment. Learn how to present to video by skilled media personality Jillian Whiting. Learn how to master Facebook advertising with Peter Brewer. Improve your Realworks skills with a free short course!

There is so much to choose from, so what are you waiting for? Why not leap in to a specialised course today and improve your skills!

Best wishes,

Mydoniu

Antonia

# When did you last review your Professional Indemnity cover?

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# REIQ Auctioneer of the Year Justin Nickerson partners with REIQ to give back to community

Newly crowned REIQ
Auctioneer of the Year Justin
Nickerson has partnered
with the REIQ to deliver a
mentoring program that will
help and guide young real
estate professionals.

Mr Nickerson was crowned the best of the best in Australia and New Zealand when he won the REIA Australasian Auctioneer of the Year 2016. He has won the REIQ Auctioneer of the Year in 2013, 2016, 2017, 2018, and he won the Barfoot and Thompson NZ Auction Invitational in 2015. He was part of the winning Queensland State of Origin Auction team in 2015 and represented Queensland again in 2016.

Mr Nickerson said one reason why he wanted to mentor others was that he was motivated to repay the support and guidance he had received from mentors when he was young.

"I know that Queensland's auctioneers are a strong fraternity and the broader community of real estate professionals makes a point of looking after each other.

"I had help and support from many of this community's most distinguished agents and auctioneers when I was a rookie and now that I've achieved some success I want to share the things I've learned with others." he said.

REIQ CEO Antonia Mercorella said one of the key reasons behind the 12-month mentor program was because the Institute had a role to play in helping lift the skill level and professionalism of all real estate agents.

"Imagine if you could tap into the knowledge and the expertise of a leader in your field, asking them for career help and guidance and being supported as they commit themselves to helping you reach your earning potential faster – that's what we've done with this mentorship," Ms Mercorella said.

"It can be hard to find someone who has achieved professional success and who is also willing to share their skills and their knowledge with you so we've done the hard work for you and found

an elite agent who is ready and willing to share his tips for success.

"The REIQ is committed to mentorships and we identify those leading lights and provide access so that the next generation can benefit.

"Justin is a highly skilled, very knowledgeable and experienced real estate professional," Ms Mercorella said.

"His success is without peer and we are thrilled to partner with him in this program."

The REIQ Apollo Mentor Program is a 12-month coaching program that delivers monthly one-on-one coaching sessions and quarterly group training events, featuring industry leading speakers.

The REIQ Apollo Mentor Program is the latest in a suite of enhanced training offerings from the REIQ, including the recent launch of its new training website, and jobs portal MyRealEstateJobs.com.au.



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# OFT: Agents must be trustworthy

BY BRIAN BAUER, EXECUTIVE DIRECTOR, OFFICE OF FAIR TRADING

A Brisbane real estate agent was sentenced in July to 12 months' imprisonment, suspended for 18 months, for wrongful conversion of trust money.

Satvinder Singh Dhillon, sole director and principal agent of Lionheart Realty, was also disqualified from holding a real estate licence for five years.

The court heard, tenants paid rent and bonds to Lionheart Realty in mid-2016, but rather than paying property owners the rent money owing to them and passing the bond money on to the Residential Tenancies Authority (RTA), Mr Dhillon transferred the trust money, a total of \$13,142.65, to his personal account.

The Office of Fair Trading (OFT) investigation also revealed Mr Dhillon's real estate license expired in May 2016, but he continued to illegally work as a real estate agent, operating Lionheart Realty.

In sentencing, the magistrate stressed the seriousness of the offences and the betraval of trust that such breaches cause.

The case serves to highlight the seriousness with which the OFT treats trust account misappropriation. Eight of the top ten types of breaches detected by the OFT in the real estate industry relate to trust accounting.

Bond money does not belong to a real estate agent and must be transferred to the RTA within 10 days of having received it.

Real estate agents who intend to receive money on behalf of others, including the RTA, are required by the Agents Financial Administration Act 2014 (the 'Act') to have a trust account and to pay any money



received directly into the trust account before the end of the first business day following receipt.

To assist agents to comply with their obligations under the Act, the OFT has created a comprehensive trust accounts guide for property agents and their auditors, providing advice on:

- · opening and closing trust accounts
- operating trust accounts
- receiving and paying out trust monies

- record keeping
- the auditor's role.

The booklet Trust Accounts: A guide for property agents, motor dealers, debt collectors and their auditors and further information for real estate agents is available on the OFT website,

#### www.qld.gov.au/fairtrading.

To hear more from the OFT come to the REIQ Practical Property Manager feature day on September 15. More information on page 11.

# Ray White besties predict "10 new offices in 10 years"

Brisbane's property big guns and REIQ members Haesley Cush and Matt Lancashire make the real estate business look like a buddy movie.

The likeable duo, who have been friends for 30 years, are at the top of their game.

Mr Cush, 39, originally owned Ray White New Farm in 2005 and then sold it to Mr Lancashire, 36, in 2012.

Five years, five children, 1500 listings and 1000 property managements later, they are going back into business together.

In the five years since Mr Lancashire has owned Ray White New Farm he doubled the sales business to \$400m, while Mr Cush started Living Here

✓ Signboards (Installed next day)

✓ Marketing Packs

✓ Business Cards

✓ Property Brochures (Delivered next day)

Cush Partners, focusing on property management, and became a national trainer for the Ray White Group.

But together the ambitious pair aim to double their joint revenue in the next three years.

"We are on an aggressive growth path. We will have 10 offices in the next 10 years," Mr Cush said.

"We are not going to be shy about our plan, we will attract the best agents and win more work than any other agency in Brisbane."

The duo's bold goal is to have 10,000 properties under management by 2028, 10 offices and 100-plus high-performing sales agents working with them.

Ray White Group director Dan White said the Brisbane market had all the right ingredients for continued growth as was still considered affordable by southern standards for its enviable and liveable lifestyle.

Last time they were in business together, the New Farm office climbed to the number three Ray White office in Queensland, positioned only behind multi-location businesses Bulimba/Morningside and the powerful Surfers Paradise Group.



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# The Practical Property Manager feature day - QCAT, BCCM and RTRA Act

BY CONNIE MCKEE, PROPERTY
MANAGEMENT SUPPORT SERVICE

The Practical Property
Manager feature day
program has been designed to
provide a laser focus on dayto-day property management
issues that take up our time
and can lead to unnecessary
stress and conflict.

Legislative requirements, best practice tips and solutions together with scripts and dialogues to help influence positive outcomes are shared by energetic passionate property management professionals. Keeping to the theme of the day, the power of positive property management, Jean Brown, Director of Jean Brown Properties will share how she has cultivated an award-winning office culture. Her team love coming to work and her owners and tenants are delighted with the service provided.

In property management we know that not all business is good business. The session presentations by REIQ trainers, PMSS team members and property management business owners, Nick Brown and Samara Bedwell, will help you know the key instructions you need to get right on the PO Form 6 so you can set the tenancy up lawfully and manage the property effectively and profitably. Samara will further share the lessons she has learned in handling difficult personalities who don't want to spend money on maintenance together with handling the "multiple quote" owner.

The General Tenancy Agreement Form 18a and the entry condition report Form 1a are key documents when dealing with tenancy breaches and disputes. Nick Brown will join RTA Senior Community Education Officer **Lynn Smith** to highlight common areas of both documents which cause disputes and provide advice on how to get these forms right from the start of the tenancy. They will also discuss the difference between a standard term and special term and what you can and can't do legally. Additionally Nick will share his expertise in renegotiating tenancy terms from one fixed term agreement to another. He will discuss the RTRA Act provisions relating to rent/bond increases/decreases and significant changes from one agreement to another, either fixed term or periodic.

Jill Eisenhuth of Raine and Horne Beenleigh has been operating in arguably one of the toughest markets in Queensland when it comes to rent arrears. She will share her proven strategies for arrears prevention and management as well as enforcement through QCAT. She will provide case study examples of QCAT experiences including when a tenant is awarded a stay and appeals a termination order.





Our special guest speakers from the Body Corporate Commission will help us learn what rights the owner and tenants have when there are issues on common property and what role the property manager can play. I will join QCAT adjudicator **Gabrielle Mewing** in a targeted session to help us get a better understanding of QCAT Forms including the Counter Application, Form 45 and 40. The importance of published orders, evidence and compensation claims including reletting costs and water will be discussed.

The interactive format of the day is a great opportunity for all attendees, whether experienced or new to property management, to supercharge or refresh their broad legislative knowledge. Learn from your peers in a fun and engaging way.

Get your tickets to the Practical Property Manager feature day at REIQ.com

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# Portal Realestateview.com.au changes its name

Independent property site, view.com.au is launching a new data-driven portal that will empower buyers, sellers and renters by giving them access to detailed property insights.

The site, formerly known as realestateVIEW.com.au, has over 1.7 million people browsing the portal every month and after conducting extensive research uncovered a strong demand for transparency in the market, prompting the launch of a fresh approach to property portals through the new home, view.com.au.



The new portal features an insights tool called Property 360, which includes over 10 million properties that allows people to track the value of their home, calculate property price estimates, see historical sales/rent data and search neighbouring properties.

Apart from the tool being free to use across Australia, the Property 360 tool has a feature that allows users to customise a price estimate based on recent changes they've made to their property, or changes they are hoping to make, making it a completely tailored experience and a market-first.

A key driver behind the change and a passionate advocate for transparency in the property market is CEO of view.com.au, Enzo Raimondo.

With over two decades of experience in property, Enzo explains that the goal of the new view.com.au portal is to empower people through property data and analytics.

"Our research shows that consumers are looking for more data-driven information to help them make more informed decisions, and with spring being the peak buying and selling season in Australia we wanted to launch this new information-led portal in advance to support those looking to place their property on the market and/or to purchase a property," he says.

"View.com.au provides intelligence and accurate property price estimates, giving people more control over how they browse, as well as greater access to insights and a better view of the whole picture."

The new property portal will provide the Australian market with a view of the neighbourhood and not just the home

In the lead-up to the peak season for property, Enzo shares four valuable tips on emerging trends and what buyers, sellers and renters can expect this spring:

- With national real estate listings increasing three per cent in June and house prices trending slightly lower (the June QTR the lowest since Dec 2015), the pendulum of power has swung back to buyers
- High unit supply will likely put downward pressure on inner city unit prices, particularly in Melbourne and Brisbane

- While there has been a slight dip in clearance rates over the past few weeks, this is a common occurrence in the cooler months and we're expecting clearance rate to increase again with the onset of Spring
- The democratisation of data has put the power back into the hands of the consumer, allowing them to be more educated and more informed, thus making the property decision easier for the individuals and agents.



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# LJ Hooker opens new \$5 million office in Nerang

Real estate network LJ Hooker has sharpened its Gold Coast focus with company Chairman L Janusz Hooker unveiling a purpose-built \$5 million office.

The new LJ Hooker Nerang is the creation of principal Shane Colquhoun, who has expanded his operations to a 2,450sqm site at New Street following significant year-onyear growth.

"With the Commonwealth Games around the corner, the city has experienced a surge in new public infrastructure which has seen it evolve.

"Private investment has followed, and there are billions of dollars in innovative developments planned and underway from the Surfers Paradise Esplanade to the Hinterland," Mr Hooker said.

Mr Hooker said the key ingredients which propelled the Gold Coast's profile in the late 1980s and early 2000s – lifestyle and affordability – had again come to the fore.

"I see the Gold Coast much like Miami in the United States. Miami had experienced steady growth since the early '90s but is now experiencing a surge as people, who are working remotely from their office, choose it over having to battle cities like New York.

"That's where I see the Gold Coast in the future for Australia.

"And factors just like this are really hitting home to buyers in Sydney and Melbourne where house prices have risen 64.9 per cent and 34.2 per cent, respectively, in the last five years.

"The Gold Coast is tipped to be home to 1.2 million residents by 2050 which is why it's a key target for growth.



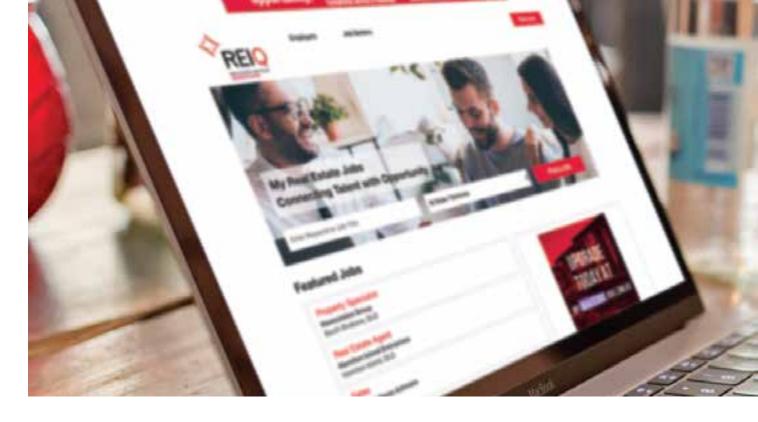


"Purpose built super offices like LJ Hooker Nerang's really hone in on what customers want from one of life's most significant experiences – selling or securing their next home."

BDA Architecture and builders
Rawcorp created the impressive
1,100sqm real estate centre spanning
two levels, which will accommodate
over 50 staff. BDA Architecture
were behind the design of the
contemporary Isle of Capri
shopping centre.

Mr Hooker also tipped the purple patch of development activity would reignite the interest of China's booming middle class, which was growing at incomparable speed, according to a 2010 OECD Report.





# REIQ launches new jobs board at MyRealEstateJobs.com.au

The REIQ has launched an exciting new jobs board for the real estate sector, which is also part of its recently announced training website, MyRealEstateJobs.com.au.

The jobs board, which can be found by visiting MyRealEstateJobs.com.au and clicking on the "Find a job/Post a job" button, is tailored to meet the needs of the real estate profession.

REIQ CEO Antonia Mercorella said the jobs board helped bring job seekers and employers together in an environment designed to help deliver better matches.

"The jobs portal is designed to help real estate job seekers and real estate employers by offering a specialised environment that is only focused on the real estate profession," she said.

"Rather than sifting through irrelevant careers on mainstream, catch-all job sites, a real estate-specific site will save you time (and money!) by offering only those candidates who want a career in real estate or those jobs that will get you working in real estate," Ms Mercorella said.

The keywords will all be 100 per cent appropriate to the real estate profession.

"It's more common than you might think that a job ad in a mainstream listing portal can be misguidedly filed under the wrong category or with the wrong keywords," Ms Mercorella said.

"By using MyRealEstateJobs.com. au, employers and employees know that these are all the jobs on offer in Oueensland real estate," she said.

#### REIQ the careers specialist

The REIQ, the leading training provider of real estate courses, has been delivering the highest quality training to the real estate profession for decades, training high quality, knowledgeable students who are ready to hit the ground running in their new career.

And the REIO has also been running a very successful Career Networking Lunch series that brings employers together with those students who have recently completed their studies.

"To now begin matching job seekers with real estate jobs on a more scalable level is a natural progression for the REIQ. We're closing the loop," Ms Mercorella said



She also said the jobs portal was an extension of the REIQ's highly successful career networking service.

"Our Career Networking Lunches have been spectacularly successful so it was a natural progression to offer this in a more formal way to the broader real estate community," Ms Mercorella said.

#### Jobs to your inbox

The added benefit to both employers and job seekers being part of the REIQ jobs portal is that our jobs list is emailed out every fortnight as part of our well-read REIQ Update email newsletter.

"This puts the jobs right in a job seeker's inbox and employers know their advertising dollars are getting the biggest bang for buck," Ms Mercorella said.

"Our email newsletter is read by thousands of real estate practitioners throughout Queensland every fortnight so these jobs will reach a wide audience," Ms Mercorella said.

#### Why our jobs board

It's not a new trend, but a significant portion of the recruitment sector has specialised with recruiters focusing on industry-specific jobs boards because they know it has myriad benefits for both employers and job seekers.

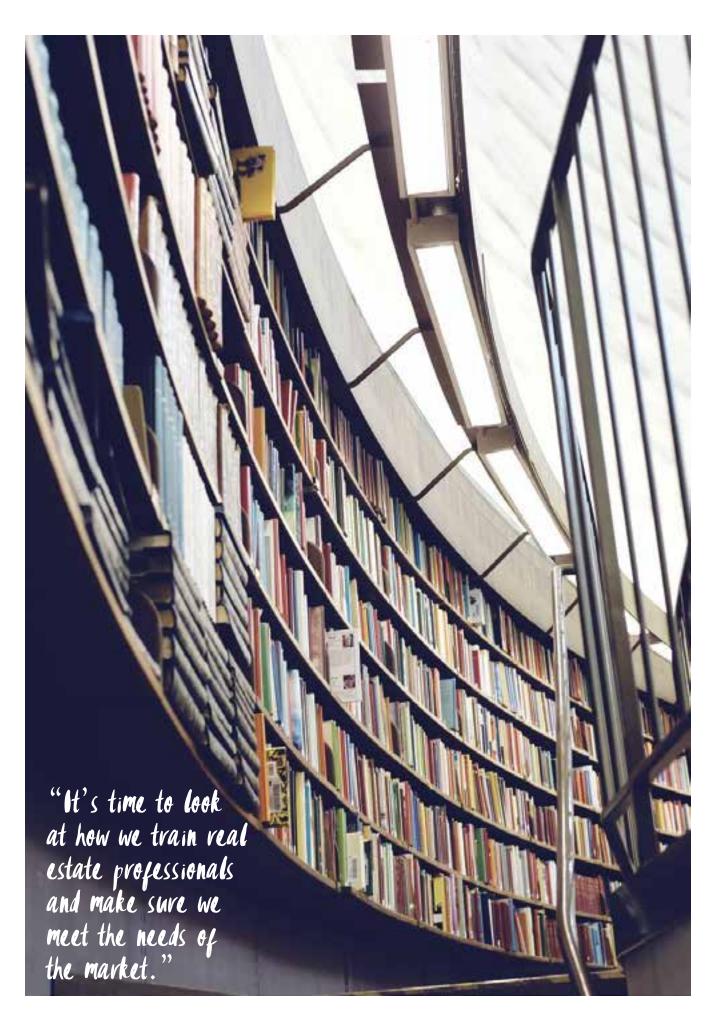
Data from 2013 from an Australian recruitment business indicates that industry-specific jobs boards account for more than 25 per cent of all applications received. This suggests that industry-specific jobs boards have a powerful selling proposition.

Industry-specific jobs boards offer benefits that mainstream, generic boards can't match:

• Relevant jobs: Jobs seekers prefer industry-specific jobs boards because it saves them time. For example, when a job seeker is looking for a BDM role in real estate they don't need to sift through all the irrelevant BDM roles before finding the property manager BDM roles that they're seeking. Shorter search time, less frustration and better results make job seekers very happy.

- Stand out: An employer who is seeking a new PM BDM doesn't have to worry about their advertisement, that cost them a lot of money, disappearing in a sea of similar ads all with the same headline, "Seeking motivated BDM!". When an employer advertises on a real estate specific jobs board their ad faces less competition, therefore is more likely to be seen by that dream candidate.
- Less risk of time wasters: Job ads on MyRealEstateJobs.com.au are less likely to attract speculative applicants. There are a group of job seekers attached to mainstream job sites whose resumes are automatically sent off to jobs that match their listed keywords. That can't happen on MyRealEstateJobs.com.au.
- More reward: Job seekers who come through an industry-specific jobs board, such as MyRealEstateJobs.com.au, are already, in a sense, pre-qualified. They are either already working in real estate or are well educated and interested in a career specifically in real estate. These applicants are preferable to those who simply see an ad that appeals and, even though they have no real estate-specific experience, put in an application.

Visit MyRealEstateJobs.com.au today for more information on how to advertise.



# Training review to shake up real estate sector

One of the biggest things to happen in the real estate training sector in the past decade is happening right now and it will have a major impact on the real estate profession in Queensland and the rest of the country.

The real estate training package review, led by Artibus, is an examination of the nationally recognised training that is delivered by registered training organisations and compared with the needs of the profession.

The REIQ, along with each state Real Estate Institute, is part of the Technical Advisory Group providing feedback to the training package review process. Throughout Australia, the Institutes represent tens of thousands real estate professionals, providing a valuable source of real-world expertise on current and future real estate practices.

REIQ Professional Development manager Anna MacMaster said the review was long overdue.

"The last time the training package was reviewed was 2007 and the real estate profession was very different.

"For example, a property management BDM wasn't really a common role a decade ago, and buyer's agents have emerged as popular career choices over the past 10 years.

"The training package that was developed in 2007 didn't really offer much training in those areas," she said. "It's time to look at how we train real estate professionals and make sure we meet the needs of the market."

The REIQ, along with our sister organisations around Australia, have been involved with stakeholder meetings with the organisation leading the review, Artibus, to help address where training packages need to be updated and amended, or in some cases, completely overhauled.

"The current training package doesn't offer a subject on computerised trust accounting procedures, which is clearly outdated," Ms MacMaster said.

"So there are areas where we clearly need to bring the training up to modern standards. Additionally, the training package should contain units dealing with the new technology and marketing methods," she said.

#### Restructure

It is anticipated that the review will also provide greater clarity in the structure of the training on offer, so people can more easily choose the training appropriate to their career goals.

For example, if someone wants to become a property manager today they are presented with a list of units and must pick and choose without any structure around which units would best qualify them for a property management role. It's vague and not well organised.

A simpler, more practical structure that could help with the decision-making would be if there were elective sector-specific skill sets designed to prepare newcomers for the role they will be undertaking. For example, as a property manager or commercial specialist, in addition to a solid core of subjects relating to legislation documentation, consumer protection and ethics.

#### Membership Feedback

Towards the end of this year the first drafts of the training units will be unveiled by Artibus and we'll then communicate these training drafts to our membership via a range of communications channels.

Then REIQ members will be asked to provide feedback on the draft training units. Do these training units meet the profession's requirements?

We'll create an online survey, we'll email you and we'll talk to you at the zone breakfasts about these training drafts.

We need your feedback so please stay tuned for further news in this area!

#### Raising the bar

Once the review is complete, one of the most significant changes it will prompt will be to raise the educational standards that must be achieved to gain a registration certificate or licence from the Office of Fair Trading.

OFT will need to select new training requirements from the revised training package.

Queensland has among the lowest educational entry level qualifications in Australia and the review is an opportunity to bring the sunshine state into line with others, where (in some states) a Certificate IV level of education is required for registration and a diploma level is required for the licensee. These higher educational requirements will provide a more solid foundation for newcomers to the profession.

# **FEATURE DAY**

# The PRACTICAL Property Manager: QCAT, BCCM & RTRA ACT

# Brisbane 15 SEPTEMBER

9.00am - 4.00pm

\$200 members | \$250 non-members (inc GST)



- Client instructions Setting up the PO Form 6 for success
- Tenancy disputes and breaches
- · Common property, body corporate or owner maintenance and complaints
- · Lease renegotiations, rent and bond increases and decreases
- Maintenance mayhem to maintenance control
- · Arrears prevention, management and enforcement
- · Understanding QCAT published orders and how QCAT makes decisions
- The power of positive property management



# Developers turn to commercial sector

WORDS BY DANIEL BIGNOLD, CEO, COMMERCIALVIEW.COM.AU

The future of the commercial property sector in Brisbane is improving with developers moving away from residential and into the less cluttered commercial sector.

Brisbane's commercial vacancy rate is 15.7 per cent, up on 15.3 per cent over the last six months to July 2017, according to the latest data from the Property Council of Australia.

This result has been largely attributed to the flow-on effect of the relocation of the Department of Agriculture and Fisheries from Primary Industries House at 1 William Street at the time of measurement.

#### Fringe vacancies ease

The Brisbane CBD fringe vacancy rate increased from 12.9 per cent to 14.4 per cent over the past six months to July due to -28,553 sqm of net absorption.

The Walker Corporation turned its back on a unit development in Fortitude Valley, submitting a development application for a 26-storey office tower at 801 Ann Street Fortitude Valley which will take up the entire block bordered by Ann, McLachlan, Connor and Morgan streets.

The 46,000sqm tower plan designed by Cox Architecture will feature a next-generation commercial design and five-star green star rating. Submitted in July it has no

#### New medical suites

A development application for an 18-storey specialist medical suite commercial tower has been submitted for 484 Upper Edward Street, Spring Hill within walking distance to the Brisbane CBD, as well as private hospitals local to the area.

The development will house 28 medical suites designed to attract leading specialists to what has been described as an inner city hotspot.

#### Quality commercial space in demand

PCA research indicates that the upper grades of space recorded positive demand, while the lower grades recorded negative demand.

There will be 18,640sqm of space supplied in the second half of 2017 in the Brisbane CBD with no other space in the pipeline until 2019 when 58,209sqm of space is due to come online.

In fringe areas, 764sqm of space is due to come online in the second half of 2017 with 36,126sqm in 2018 and 35,067sqm is in the pipeline from 2019 onwards.

## Investor activity

Investor interest continues to build with listed property group Propertylink acquiring 50 Ann Street, Fortitude Valley for \$145 million in a partnership with investment bank Goldman Sachs.

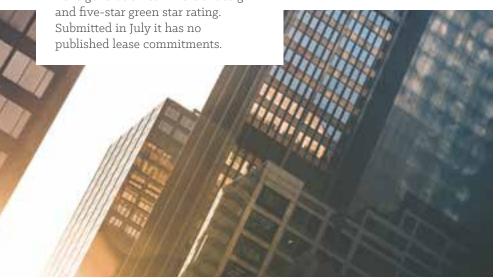
Propertylink acquired a 25 per cent share in the 25-storey office which has a total lettable area of 25,519sqm on a 2198sqm corner site and is fully leased to the Queensland government, with 3 and a half years remaining on the lease.

Also in Ann Street, listed freight train and rail company Aurizon will move from the Brisbane CBD into Charter Hall's No 900 next year but the troubled company may sublease part of the 19,000sqm, 15-level office tower.

#### New "man cave" sector

A new sector on the rise is highend storage facilities for cars, boats, jet skis that are also being used as offices. R4 Property Group is developing 14 units or "man cave manors" in The Annex development at 19/240 New Cleveland Rd, Tingalpa, in Brisbane's east.

Due for completion at the end of the year more than \$2 million in off-the-plan presales have already been secured for the "man caves" which range in size from 67-89sqm. Featuring polished concrete floors, air conditioning, showers and kitchenettes, an open mezzanine level is standard in all units, as well as 24-hour CCTV security streamed to the owner's phone.



# Bees Nees City Realty South Brisbane

# We know Brisbane City Property inside out.

Now recruiting!

Due to a rent roll purchase and expansion, we are growing our team.

Are you looking for a change?

## Real Estate Sales People

We are looking for Full-time Sales people for our busy South Brisbane office.

For a confidential interview, call Rebecca Herbst on 0431 608 422

#### **Business Development Manager**

We are looking for a Full-time Business Development Manager to lead our New Business & Leasing Team.

For a confidential interview, call Clint Dowdell-Smith on 0401 873 181

#### Must have:

- A current Real Estate registration or licence (Required)
- Be a team player, but also able to work independently
- Have good knowledge of the inner city Brisbane area 5km radius of the CBD

The chosen applicants will have a substantial warm database to work with immediately, and will also receive appraisal leads from our large rent roll.

We're a property firm that specialises in Brisbane's inner city... A real estate agency where service isn't a vague promise. A team of professional property management, sales and marketing personnel who stand out of the crowd for their local knowledge and fresh approach. With a team based culture, we like to work hard but we have fun while we're doing it! Does this sound like a place you would like to work?



36 Cordelia Street South Brisbane, Qld 4101 T 07 3214 6888 info@beesnees.com.au beesnees.com.au



# Professional Indemnity Insurance

As a Real Estate Professional, you have a duty of care to clients who expect a reasonable degree of skill, competence and ability.

Most often that is exactly what is delivered - but no-one is infallible and whether through error, omission or breach of professional duty, problems can arise leading to clients seeking compensation.

In a recent claims example, a balcony railing collapse led to a 22-year-old tenant suffering serious spinal injuries. The property

manager was blamed for failing to spot the defect during infrequent and inadequate inspections. Unable to return to his previous job, the young tenant is retraining for a different role - and seeking damages of more than \$750,000.

Like any insurance cover there are benefits from regular review, and by working with an Aon insurance broker, we can benchmark your current cover against the growth of your business, general market conditions and emerging trends to ensure effective protection.

Call 1300 734 274 to learn more about Professional Indemnity or visit aon.com.au/realestate or email au.realestate@aon.com



27 October 2017 REIQ Cannon Hill

Members \$199 (inc GST) Non-members \$249 (inc GST)

Sales Meet 2017 will bring residential sales professionals the latest on the Queensland market, relevant legislation & digital marketing.

Take-aways include negotiation skills in regards to commissions & sale price, personal branding as well as sessions on how to appeal to the Chinese market plus a project marketing focus.

Invest in yourself and your future today.

Visit reig.com/salesmeet for the latest information & to book!

# SPECIALISED COURSES

## SEPTEMBER 2017

## Courses to boost your productivity in September

# FEATURE DAY: THE PRACTICAL PROPERTY MANAGER: QCAT, BCCM AND THE RTRA ACT

This feature day will give property managers the tools to formulate practical solutions to the common (and not so common) situations that arise as part of tenancies. Special guest speakers, including QCAT adjudicator Gabrielle Mewing, will share their knowledge and experiences to arm property managers with the confidence to represent their clients at QCAT, to understand and interpret the key legislative requirements of the RTRA Act and Regulations, and to prevent common disputes in community titled properties. This is an information packed day for hands-on property managers and is not to be missed.

**Brisbane: 15 September** 

# PROPERTY MANAGEMENT BREAKFASTS

Property Management Breakfasts are an opportunity for property managers to meet their peers, discuss issues and share ideas in open and interactive sessions. September breakfasts will look at the hottest topics in PM and ask Is it Law, Lawful or Best Practice?

- Solar power
- Water usage
- Lessor insurance and agency insurance
- Smoke alarm compliance
- Fees for services
- Telephone and NBN connections
- Corded window furnishings and more!

Brisbane: 7 September Gold Coast: 13 September Sunshine Coast: 20 September

# PROPERTY MANAGERS RESILIENCE & COMMUNICATION ACCELERATOR

As a property manager you are faced daily with heavy stress loads managing the expectations and needs of owners and tenants. This half day course will equip you with ways of managing stress, give you an understanding of your basic drivers of communisation and support you with ways of effectively dealing with potential

conflict. Through the use of our unique frameworks we have supported hundreds of individuals in creating a more effective way of communicating and dealing with relationships within the business context.

Brisbane: 12 September

#### **DIFFICULT DS**

Sing along with us... "It's easy as ABC". But once you get to D, things get a little more complex. We'll take you through dealing with all the difficult Ds in property management:

- Death or Divorce of a landlord how to deal with your PO Form 6
- Death of a tenant (RTRA Act)
- Debt above the bond
- Database listings and complying with the new amendments
- Dogs (and other pets)
- Drains and gutters
- Domestic violence
- Disputes
- Damage versus fair wear and tear
- Door keys and security
- Drugs
- Declining a rental application
- Difficult clients and customers
- Dangerous situations how to remove yourself

Gold Coast: 4 September Rockhampton: 8 September Cairns: 22 September Hervey Bay: 18 September

## TECH SNAPSHOTS IN SEPTEMBER: FACEBOOK

Facebook Business Pages/Groups: Which is best for you? 5 Little known features: **13 September** 

Facebook Advertising and Facebook Content: Creating thumbstopping content.

# ONLINE FRAUD PREVENTION IN REAL ESTATE AGENCIES

This critical session will examine ways to prevent online fraud and other cyber crimes, encompassing the importance of understanding your financials, procedures and management strategies to put in

place to prevent fraud, and some recent case studies of agencies who have learned the hard way.

Brisbane: 14 September

# EFFECTIVE CORPORATE SUPPORT AND AGENCY ADMINISTRATION

This session focuses on documentation, legislation and practical guidance for administrators. Efficient and well trained administrators are the backbone of any successful agency. Keep up-to-date with best practice and compliance issues, and learn how to implement and improve office processes and procedures.

Brisbane: 18 September

# A-Z OF PROPERTY MANAGEMENT MAINTENANCE

This course takes attendees through the key property maintenance issues they will be facing during the year. Incorporating sessions on how to get an owner to commit to maintenance, educating your tenants on maintenance, troubleshooting, routine inspections; preventative maintenance systems and natural disaster management, this full day session is a must for all hands on property managers and rent roll owners this year.

Rockhampton: 8 September Cairns: 22 September Hervey Bay: 18 September

# SALES & AUCTION DOCUMENTATION AND LEGISLATION REFRESHER

Ensure you are completing the Property Occupations Form 6 with Residential Sales Schedule correctly, update your knowledge of the Contract for Houses and Residential Land, and check your understanding of auction procedures and the sales process. This course is a perfect refresher for experienced salespeople and sales administrators.

Sunshine Coast: 20 September Rockhampton: 8 September Cairns: 22 September Hervey Bay: 18 September

# Registration and Licensing Courses September 2017

#### FAST 2 DAY REGISTRATION TUTORIAL

Training times for all sessions 9am – 4.30pm

BRISBANE	25 – 26 September
GOLD COAST	18 – 19 September
SUNSHINE COAST	11 – 12 September
TOOWOOMBA	11 – 12 September
MACKAY	18 – 19 September
ROCKHAMPTON	6 – 7 September

## COMPREHENSIVE 4 DAY REGISTRATION CLASS

# Training times for all sessions: 9am — 4.30pm

DDICDANIE	11 – 14 September
BRISBANE	26 – 29 September
GOLD COAST	12 – 15 September
	26 – 29 September
SUNSHINE COAST	5 – 8 September
TOOWOOMBA	19 – 22 September
HERVEY BAY	19 – 22 September
TOWNSVILLE	5 – 8 September
CAIRNS	26 – 29 September

# COMPREHENSIVE REGISTRATION EVENING CLASSES

#### Training times for sessions: 6 – 9pm (Mon & Tues)

BRISBANE	Commencing 4 September (8 evenings)
GOLD COAST	Next course commencing 9 October (8 evenings)

### Career Networking Events

BRISBANE LUNCH	28 September
GOLD COAST LUNCH	14 September
SUNSHINE COAST EVENING	19 September

Specialised Courses   September 2017	Consist	and Courses
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# Is it law, is it lawful or is it best practice?

WORDS BY CONNIE MCKEE, PROPERTY MANAGEMENT SUPPORT SERVICE

When dealing with residential tenancy matters it can sometimes become confusing understanding the difference between what's law, what's a lawful contractual requirement and what's best practice.

What's law basically means there is an Act of Parliament that can be referred to that makes a certain action a requirement. For example the Property Occupations Act makes it a requirement for the PO Form 6 to be used when an owner appoints an agent and the Residential Tenancies and Rooming Accommodation Act makes it a requirement for the lessor to provide a Form 18a General Tenancy Agreement to the tenant.

What's a lawful contractual requirement is an agreement between the parties where both parties agree to certain terms associated with the agreement that aren't stated specifically in an Act of Parliament (being legislation or law). An example being the Realworks version of the PO Form 6 which contains the prescribed form although in addition has a schedule and essential terms and conditions attached which address a number of matters not legislated in the PO Act or the RTRA Act. The schedule and essential terms and conditions have been developed by lawyers and have been drafted to also include some best practice requirements to minimize a property managers exposure to conflict and risk.

Q: Is it law that a lessor has to have \$10 million public liability insurance in place before an agent can manage their property?

A: No it is not a statutory law requirement however if your office uses the Realworks version of the PO Form 6 it is a lawful contractual requirement. Essential term and condition 4.15 requires the client to obtain and maintain an insurance policy for public liability cover to a minimum of \$10 million. Additionally the client is to provide to the Agent (no more than annually), upon request, a certificate of currency.

Best practice: This contractual client obligation has been included to protect the owner and agency from the risk associated with injury to the tenants or visitors to the premises. If the owner doesn't have insurance they may expose themselves to claims on their other assets and as an agent you may become the insurer by default. It is recommended you obtain a certificate of currency at the time of signing the PO Form 6 and then annually throughout the management.

If the owner won't provide a certificate of currency at the commencement or during the management, upon request, it is a pretty good indicator as to their attitude towards their property and their contractual obligations. Not all business is good business and some properties and owners are not worth the risk and or your time if they aren't committed to protecting their own assets and respecting their contractual obligations.

Q: The tenants are complaining there's a vermin problem at the property. The owner wants to know where the RTRA Act states the lessor is responsible for pest control?

A: The RTRA Act does not state specifically who is responsible although there are general provisions that owner is required to make sure the premises is fit for the tenant to live in and kept in good repair. Conversely the tenant must keep the premises clean and undamaged, and return it in the same condition as at the start of the tenancy, after allowing for fair wear and tear.

During a tenancy, responsive pest control measures may be needed, such as treatments for pests and vermin such as ants, fleas, cockroaches and rats.

The lessor/agent and the tenant should consider why the pests are present and whether it relates to one party's failure to comply with their tenancy obligations.

If vermin such as mice or rats are caused by the tenant's actions, the tenant would be responsible for dealing with the pests.

If pets are allowed in the property, lessors/agents and tenants may choose to agree that the tenant will arrange for a flea treatment at the end of the tenancy.

However, tenants cannot be required to use a particular pest control business or product – this is an offence under the Residential Tenancies and Rooming Accommodation Act 2008.

#### http://bit.ly/2hXTTi9

PO Form 6 and lessor lawful contractual obligation - As the issue of pest control has a number of considerations the Realworks version of the PO Form 6 essential terms and conditions make it a contractual lawful obligation that the lessor will have the property treated for pests as required (no more than annually) at the client's cost. It is important this obligation is highlighted to the lessor at the commencement of the management and as required during the management.

Form 18a and statutory and tenant lawful contractual obligation (special term) - Standard term 26 (1) and section 188 (2) state the tenant must keep the premises clean, having regard to their condition at the start of the tenancy.

Additionally check the Form 18a and special terms signed by the tenant. If you are using the Realworks Version of the Form 18a special term 46 (1) (e) states during the tenancy the tenant must keep the premises free from pests and vermin. This is a lawful contractual requirement as the special term does not contract out of the Residential Tenancies and Rooming Accommodation Act and all special terms provided by Realworks have been drafted by lawyers. The Legal Profession Act prohibits real estate agents drafting special terms unless they are legally qualified to do so.

Best practice: If you are notified about a vermin issue at a property and are unsure as to who's responsible, contact the pest control company or companies the office uses as contractors. In most cases they will know if there are environmental or climate issues that are impacting on vermin in an area and will be able to provide some form of written advice which you could pass onto the lessor. If there is uncertainty about who is responsible and there is potential for a dispute to escalate recommend to the owner that you obtain an independent report from a pest control company to determine if the vermin can be directly attributed to the tenant's actions. It's in the owner's interests to keep their property maintained and free from vermin to protect their investment. If they believe the tenant is in breach of their obligations and the tenant doesn't willingly agree and pay for the treatment required then you as the agent will need some independent evidence to follow through with any breach with the tenant.

What's law basically means there is an Act of Parliament that can be referred to that makes a certain action a requirement.

... What's a lawful contractual requirement is an agreement between the parties where both parties agree to certain terms associated with the agreement that aren't stated specifically in an Act of Parliament.



# Property Managers Collecting rental bonds is easy with easyBondpay!

When tenants use easyBondpay you can earn money and receive the full rental bond in your account the **same day**, while your tenants repay over 6 or 12 easy monthly instalments.

Both you and your tenants can enjoy peace of mind knowing the property is officially secured while easing the financial pressure of paying a rental bond upfront.

#### An exciting new way to make money!

### Case study:

Property A has a weekly rent of \$650.00. Property manager offers new tenant easyBondpay for the \$2,600.00 rental bond.

Property manager receives the full bond and \$52.00 (2%) commission the same day.

## Potential revenue opportunity

10 x properties per week = \$520.00 52 weeks per year =

\$27,040.00 per year!

#### Make bond payments EASY with easyBondpay



**EASY 1 MINUTE INTERNET APPLICATION** 



NO MINIMUM OR MAXIMUM BOND VALUE



INSTANT APPROVAL



NO SUPPORTING DOCUMENTS REQUIRED



SAME DAY, FULL BOND PAYMENT

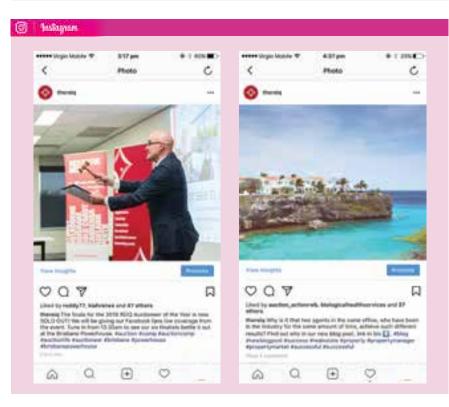
easyBondpay" IS A PROUD SPONSOR OF THE REAL ESTATE INSTITUTE OF QUEENSLAND.

EasyBondpay is a product of Principal Finance, an independent finance provider offering a range of leading edge finance products, which also include premium funding and fee funding.

# Social Snapshot for August









# Fraser Coast offers lifestyle and affordability

WORDS BY KARINA SALAS, REIQ RESEARCH ANALYST

The Fraser Coast offers a spectacular coastal lifestyle coupled with stunning landscapes, beautiful weather and a variety of education and leisure opportunities. While housing affordability is a hot topic that dominates national headlines, in the Fraser Coast home ownership is within reach of many.

The outlook for the residential property market is stable, primarily for houses. The region would benefit from a strong investment program to drive employment and economic development.

The partnership between Rheinmetall Defence Australia and Maryborough-based Global Manufacturing Group is the type of investment needed to accelerate job creation. The window to win the \$5 billion Land 400 Phase 2 contract remains open. Its success will be confirmed in the first quarter of 2018.

#### Affordability and Home Ownership Trends

The Fraser Coast¹ house and unit markets are one of the top three most affordable markets throughout the largest local government areas in Queensland.

A house in Fraser Coast costs less than 50 per cent of a house in Brisbane.<sup>2</sup> In March 2017, a typical house in Fraser Coast had an annual median sale price of \$320,000 compared with Brisbane's annual median of \$657,000.

Units are also more affordable in Fraser Coast compared with Brisbane. In March 2017, Fraser Coast's annual median was \$250,000, which was about \$195,000 cheaper than Brisbane's annual median of \$445,000.

Property grants for new dwellings have encouraged home ownership and supported affordability. Home ownership (outright or with a mortgage) increased about 7 per cent from 24,418 properties in the 2011 Census to 26,159 properties in the 2016 Census.

The 2016 Census reveals s a higher percentage of home ownership (outright or with a mortgage) in Fraser Coast (67.1 per cent) compared with Queensland (62.2 per cent) and Australia (65.5 per cent).

#### Population strengthens economy

A growing population is a natural driver of economic growth – more people means more consumers who buy houses, products and services.

The Fraser Coast population increased 19.6 per cent, from 86,117 residents in FY 2006 to 102,953 residents in FY 2016. Queensland Treasury forecasts a population increase of about 31 per cent over the next 20 years, or approximately 1.4 per cent per year. Population is expected to reach nearly 135,000 residents by 2036.

New migrants to the region over the past decade are one source behind population growth. Fraser Coast accounted for about 11 per cent of the net interstate migration to Queensland for the decade to June 2016 (about 12,065 migrants to Fraser Coast compared with 113,546 interstate migrants to Queensland).

Fraser Coast's economy grew only 10 per cent, from \$3.4 billion to \$3.8 billion over the past decade.

The economic and population statistics show a negative gap between population growth (of nearly 20 per cent) and gross regional product growth (of 10 per cent). This gap and the fall in housing demand are the main reasons for a modest growth in the house market for the past decade.

# Performance of the House and Unit Markets

The annual median house price increased 18.9 per cent, from \$265,000 in FY 2006 to \$315,000 in FY 2016. This is equivalent to an annual growth in the annual median sale price of 1.7 per cent. Annual house sales, on the other hand, reduced from 2311 to 2065 over the same period.

The annual median unit price reduced 9.5 per cent, from \$275,000 in FY 2006 to \$249,000 in FY 2016. The demand contraction of more than 30 per cent (from 481 to 328 sales over the same period), drove the fall.

House and unit supply has trended upwards over the past five years. Stock on market for houses increased from 10.4 per cent in December 2012 to 12.3 per cent in March 2017.

The unit market followed a similar trend with stock on market increasing from 11.3 per cent in December 2012 and 16.9 per cent in March 2017.

The modest and subtle increase in house prices has supported affordability and home ownership.

#### **Economic challenges**

The job market is challenged, with unemployment at 10.5 per cent compared with 6.4 per cent in Queensland and 5.9 per cent in Australia for the March 2017 quarter.

The Id Population Experts report the number of full-time equivalent jobs remained steady at 27,080 jobs between FY 2011 and FY 2016. However, the estimated resident population increased by about 5 per cent, from 97,661 residents in June 2011 to 102,953 in June 2016.

Health care, social assistance, retail trade, education and training and accommodation and food services are the largest employers. These industries add nearly 47 per cent of jobs in the region.

#### **Key Projects**

The Fraser Coast needs a strong investment program to generate employment opportunities and promote economic development. The key government projects in the pipeline include:

- Ergon Energy's Searle Street
   Depot redevelopment: proposed investment of \$6.5 million in FY 2018 out of a \$41.2 million project budget.
- Maryborough Hospital Emergency Department and Specialist Outpatients refurbishment: \$10 million investment in FY 2018.
- Maryborough State High School new multi-purpose hall: investment of \$3.6 million in FY 2018.
- Hervey Bay Hospital Emergency Department expansion: investment of \$35.2 million in FY 2018 out of \$42.5 million total budget.
- Bruce Highway Tinana
  Interchange: project to be
  completed by 2017 with a total
  investment of \$38 million.

The partnership between, Rheinmetall Defence Australia and Maryborough based company Global Manufacturing Group, is in the run to win the \$5 billion Land 400 Phase 2 contract.

If Rhinmetall wins the contract in the first quarter of 2018, the military vehicle centre of excellence will be based in Queensland. This contract will potentially create 450 jobs and inject \$1 billion into the Queensland economy for the next decade. This type of investment is exactly what is needed to accelerate job creation in the region.

#### Outlook

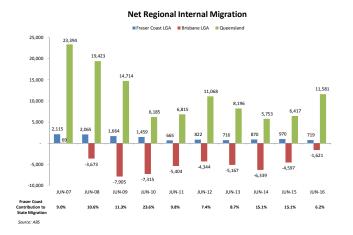
The affordability underpinning the house market has made home ownership possible for many.

The unit market performance has been challenging due to the contraction of demand and its relative small size. No significant improvements are expected for this type of dwelling considering the excess of land in the region.

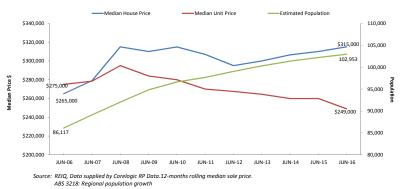
The residential property market has generally showed resilience to the increasing listings and stock on market. The key challenges for Fraser Coast are the limited job opportunities and the modest economic growth. These challenges have to be addressed to secure sustainable growth for the housing market.

A game changer is the potential win of the Land 400 Phase 2 defence contract. The REIQ hopes Fraser Coast scores the win once the winner is announced in 2018.

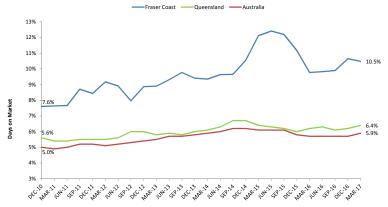
 $<sup>^{2}</sup>$  All references to Brisbane relate to the local government area.



#### FRASER COAST PROPERTY MARKET AND POPULATION GROWTH



#### FRASER COAST UNEMPLOYMENT RATE



<sup>&</sup>lt;sup>1</sup> All references to Fraser Coast relate to the local government area.



# Ending a Residential Tenancy Agreement

WORDS BY CARTER NEWELL SPECIAL COUNSEL, ANDREW PERSIJN

As solicitors for the REIQ Professional Indemnity Scheme (underwritten by QBE Insurance (Australia) Limited and brokered by Aon Risk Solutions), we commonly encounter situations where both tenants and property managers are not fully aware of the ways in which a tenancy agreement can be ended under the Residential Tenancies and Rooming Accommodation Act 2008 (Qld) (RTRA Act).

A residential tenancy agreement can only end in a way mentioned in section 277 of the RTRA Act, including (but not limited to):

- by written agreement of the lessor and tenant (section 277(2));
- by the lessor or property manager giving the tenant a Form 12 Notice to Leave (Form 12) and the tenant handing over vacant possession on or after the handover day (section 277(3)); or
- by an order of the Queensland Civil and Administrative Tribunal (the Tribunal) (section 277(5)).

In this article, we will review one of the more common reasons for ending a residential tenancy agreement outlined in the RTRA Act and the process involved in order to comply with the legislative requirements.

# Unremedied breach of tenancy agreement

In accordance with section 281 of the RTRA Act, a Form 12 can be issued to a tenant because he or she failed to comply, within the allowed remedy period, with a Form 11 Notice to Remedy Breach (Form 11). However, before issuing a Form 12 for an unremedied breach, property managers must ensure that the Form 11 has been correctly issued to the tenant.

Section 280 of the RTRA Act applies if a lessor believes on reasonable grounds that the rent payable under the tenancy agreement has remained unpaid in breach of the agreement for at least seven days or the tenant has breached another term of the agreement, which has not been remedied. In the circumstances, a Form 11 may be given to the tenant requiring the breach to be remedied within the allowed remedy period.

If the Form 11 has been correctly issued and the breach has not been remedied, before proceeding to issue a Form 12, property managers should first obtain written instructions from their lessor client. Once written instructions have been obtained to issue the Form 12, property managers should ensure that it complies with section 326 of the RTRA Act.

If the tenant fails to hand over vacant possession of the property to the lessor on the handover day, the lessor may apply to the Tribunal for a termination order. An application for failure to leave must be made within two weeks after the handover day. It is important that property managers ensure that written instructions are obtained from their lessor client before proceeding with any application in the Tribunal.

Section 337 of the RTRA Act provides that in considering an application for failure to leave for unremedied breach, the Tribunal may make an order terminating the tenancy agreement if it is satisfied that:

- the lessor has established the ground of the application and the Form 12; and
- the tenant committed the breach of the agreement stated in the Form 11 about which the Form 12 was issued; and
- the breach justifies terminating the agreement.

In considering whether the breach justifies terminating the agreement, the Tribunal may consider:

- · the seriousness of the breach; and
- any steps taken by the tenant to remedy the breach; and
- whether the breach was recurrent and, if so, the frequency of the recurrences; and
- the detriment caused, or likely to be caused, to the lessor by the breach: and
- whether the lessor has acted reasonably about the breach; and
- any other issues the Tribunal considers appropriate.

The operation of section 377 of the RTRA Act was recently considered by the Tribunal, in its appellate jurisdiction, in *Collins v Blackburn* [2017] QCATA 69.

In Collins, the Appellant, who had rented a flat from the Respondents for about eleven years, was issued with a Form 11 for unpaid rent. The Respondents proceeded to issue a Form 12 as the Appellant's rent remained unpaid after the expiry of the Form 11. The Appellant subsequently vacated the flat but in the meantime, the Respondents filed an application in the Tribunal seeking an order terminating the Appellant's tenancy agreement.

At first instance, the Tribunal ordered that the Appellant's tenancy agreement be terminated. The Appellant sought leave to appeal the decision on a number of grounds. Although the Appellant had since vacated the property, she maintained

that her tenancy agreement should not have been terminated simply due to her decision to stop paying rent for a short time.

The Appellant submitted that she had been a good tenant for eleven years and, until recently, had always paid her rent on time. The Appellant was also up to date with her rent by the time the Tribunal heard the application.

The Senior Member who determined the appeal considered the above points and held that the Appellant's breach was not serious, was not recurrent, caused little detriment to the Respondents and had been remedied by the time the application was heard in the Tribunal. The Senior Member stated that, "Ordinarily, one failure to pay rent in eleven years would not justify a termination."

#### Best practice recommendations

In circumstances where a tenant has breached his or her tenancy agreement and the breach has not been remedied, it is more than likely this will cause significant concern and stress for a lessor. As a matter of best practice, it is important property managers implement proper procedures to handle such situations, and to protect against future allegations of mismanagement resulting in a lessor's loss and expense.

Property managers should ensure that all instructions from their lessor clients are in writing in relation to the ending of a tenancy agreement. Further, it remains good practice to ensure that all conversations and telephone calls are recorded in a file note, with sufficient detail to be referrable at a later date should a dispute arise. However, most significantly, it is important that property managers act in accordance with the procedural requirements of the RTRA Act when issuing appropriate notices and commencing any applications in the Tribunal, in order to minimise the loss which may be suffered by their lessor clients.

Property managers should ensure that all instructions from their lessor clients are in writing in relation to the ending of a tenancy agreement.

<sup>&</sup>lt;sup>1</sup> Collins v Blackburn [2017] QCATA 69 [19].

# Effective management of employee workplace performance

WORDS BY CARTER NEWELL ASSOCIATE, MICHELLE MATTHEW

Most employers recognise that effective employee management is crucial to creating and maintaining an efficient and productive workplace.

It is, therefore, essential that employees have a clear understanding of their employer's business objectives, how their own performance contributes to those objectives, and what steps they need to take to ensure that they are meeting their employer's expectations.

In the event that an employer must address underperformance or misconduct in the workplace, it is critical that the process which is undertaken is carried out in a transparent, fair and respectful manner.

We address below a number of factors which employers ought to be mindful of when managing employees' workplace performance and conduct.

# Clear and unambiguous terms of employment

In order to properly discharge their workplace duties, employees should have a clear understanding of their employer's expectations.

Employers may achieve this by:

- ensuring that all employment relationships are the subject of a well-drafted and unambiguous employment agreement;
- having a bespoke employment agreement drafted if the employment relationship is one which is subject to additional terms beyond those imposed by statute, to ensure that the terms are both lawful and binding upon the parties;
- being aware that any ambiguities within an employment agreement will generally be read down in favour of the employee, which may

- result in significant consequences for the employer, particularly where a term is deemed to be unjust or unlawful; and
- ensuring that any alteration to an employee's role description or terms of employment is mutually agreed between the employee and employer, in writing.

Employers should also take steps to ensure that employees are inducted into their workplace policies and procedures immediately upon commencement of employment, with refresher training conducted at reasonable intervals thereafter. Pertinent policies include the employer's grievance handling procedures as well as the employees' workplace obligations concerning the use of social media and avoidance of anti-social behaviours such as bullying, harassment, sexual harassment and discrimination.

# Managing underperformance or misconduct

When issues of underperformance or misconduct arise, principals should take care to manage those issues appropriately and sensitively in order to facilitate the employee's development.

Employees are entitled to fairness of process at all times. That is, they have a right to be informed of, and to properly understand, the nature and extent of the alleged underperformance or misconduct, and what the employer's expectations are with regard to addressing those concerns.

Performance management can often seem confronting and challenging. However, if an employee's performance or conduct is falling short of expectations, it is important to initiate a formal performance management process at an early stage with the



intention of encouraging improvement. This ought to be done by way of formal and confidential discussions during which the employer should address their concerns and, where appropriate, offer additional training or support, and clarification of key performance indicators which are both measurable and achievable.

Employees should be given prior written notice of the employer's intention to convene a disciplinary meeting together with sufficient detail of the matters to be discussed so as not to be caught by surprise.

Minutes of all performance management meetings should be prepared and signed by those present.

It is also appropriate to schedule follow-up meetings to monitor the employee's progress.

If, after a reasonable period of time, the employee fails to demonstrate a willingness or ability to improve their performance or conduct in the workplace such as to discharge the inherent duties of their role, the employer may need to consider whether re-deployment or dismissal is appropriate.

When dismissal is contemplated, regard should be had to section 387 of the Fair Work Act 2009 (Cth) (the Act), which sets out the criteria which the Fair Work Commission (FWC) must consider when determining whether an employee has been

afforded procedural fairness and whether the dismissal is, in fact, fair and reasonable in the circumstances.

These criteria include, but are not limited to, the following:

- whether there was a valid reason for the dismissal related to the person's capacity or conduct;
- whether the person was notified of the reason;
- whether the person was given an opportunity to respond;
- any unreasonable refusal by the employer to allow the person to have a support person present to assist at any discussions relating to dismissal: and
- whether the person had previously been warned about the unsatisfactory conduct previously, etc.

While employees who have not yet completed the minimum period of service will not be entitled to bring a claim in unfair dismissal, they may still have a cause of action available to them under the general protections provisions of the Act. Accordingly, if, after reasonable attempts, the employee remains unable, or unprepared, to demonstrate any improvement in their workplace performance or conduct and it becomes necessary to consider either re-deployment to another role or dismissal, principals are urged to seek legal advice to ensure that due process is followed.

#### Conclusion

Key take-away points for employers:

- employees should have clarity surrounding the terms of their employment;
- appropriate workplace policies and procedures should be in place to ensure that employees are properly informed of their obligations concerning their workplace conduct; and
- an appropriate performance management process ought to be implemented when addressing issues of underperformance or misconduct to ensure that employees are treated fairly and respectfully.

Employers who are members of the REIQ Professional Indemnity Insurance Scheme (brokered by Aon Risk Services), are reminded that their insurance policy may comprise cover in respect of *Employment Practices Liability* disputes. Therefore, should member agents encounter any concerns regarding the appointment or management of employees, they are urged to liaise with their insurance broker in this regard.





# Know your deductibles! Mythbusting investment property tax deductions

WORDS BY BDO PARTNER, EDDIE CHUNG

Understand the common mistakes investors make with deductibles at tax time and avoid the heartache.

Hot tips about investment property deductibles are often traded at the weekend barbecue over a beer. "Of course the cost of ripping out that entire staircase and putting a new one into your property due to termite damage is tax deductible!". Although

information sharing is a cornerstone of the digital age, it could also lead to misconceptions being perpetuated.

Repair costs are one of the biggest audit hot spots for the ATO, so know the rules before you start and avoid the heartache later.

#### Initial repair

Generally, if you spend money repairing an investment property or a depreciating asset in the property that you recently acquired, the repair costs are capital in nature and are not immediately tax-deductible. This is because the thing needing repair was not damaged or worn out during the course of you deriving income from the property, ie, the wear and tear were caused during the period when the property was owned by the previous owner. However, the cost of the repair may be included in the cost base of the property for future capital gains tax purposes.

#### Capital expenditure

Generally speaking, the tax treatment of a capital expenditure incurred on the physical premises of an investment property, irrespective of whether it is related to initial repairs or merely capital expenditure you incur during the ownership of the property, will depend on the nature of the thing acquired, which can most commonly be classified as one of the following:

- 1. Expenditure incurred to acquire a depreciating asset; and
- 2. Expenditure incurred on capital works.

To the extent that a capital expenditure relates to a standalone functional unit that is not permanently attached to land and buildings, such as a stove, the expenditure will need to be depreciated over the effective life of the unit under either the prime cost or diminishing value method. The expenditure is spread over the effective life of the depreciating asset on which depreciation deductions may be claimed progressively. Under new measures introduced in the last Federal Budget, you are no longer allowed to claim depreciation deductions on the cost of depreciating assets you did not incur yourself.

On the other hand, to the extent that the expenditure relates to something that is permanently affixed to land and buildings. For example, with an extension to an existing building, the costs will be eligible for the capital works deduction, which is generally claimed at 2.5 per cent of the construction expenditure on a straight-line basis.

In limited cases, the capital works deduction rate may increase to 4 per cent. So if the property is used for certain industrial purposes. It is important to note that, unlike depreciating assets, you are allowed to claim the capital works deduction even if you did not construct the capital works yourself.

While it is generally straightforward to determine the cost of a depreciating asset for the purpose of claiming a depreciation deduction, which is normally what you paid for it, working out the construction expenditure for the purpose of claiming the capital works deduction may not be as simple.

Construction expenditure generally refers to the costs of constructing a building or structural improvement that is permanently attached to land and buildings. If you engage a builder and other contractors (architect, engineers, tradespeople) the construction expenditure is the amount you pay them, including the part of the costs that represents their profit margins. However, if you buy a property from a speculative builder, you are not allowed to claim the component of your costs paid to them that represents their profit margin.

Similarly, if you perform the construction work yourself, the value of your contribution cannot form part of the construction expenditure, neither are you allowed to add a notional profit margin to the expenditure for capital works deduction purposes.

Further, not all expenditure could qualify as construction expenditure that is eligible for the capital works deduction. For instance, costs associated with land clearing, landscaping, and permanent earthworks that can be economically maintained but are not integral to the installation or construction of a structure are not considered construction expenditure for the purpose of the capital works deduction.

Since it may be less than straightforward to determine the correct amount of construction expenditure to work out your capital works deduction claim, a better approach may be to simply obtain a depreciation report from a qualified quantity surveyor.

#### Repair

If you incur expenditure to restore something that requires repair back to its original condition and the repair is not initial repair, the repair costs will generally be tax-deductible up front, provided that it is not considered an improvement under one of the following categories:

- Costs relating to work that goes beyond restoring something back to its original condition and improves the thing's functional efficiency (except in situations where you are using the modern equivalent of a past material that requires replacement as part of the repair); and
- Costs incurred to replace a major or important part of the structure of the property - such cost is treated as a 'replacement of an entirety'.

If the costs are attributable to an improvement, they may or may not be eligible for the depreciation or capital works deduction as discussed above.

Below are some examples provided by the ATO that may provide some guidance on when a repair is differentiated from an improvement:

It can sometimes be a challenge to correctly characterise an expenditure as to whether it is related to a repair, depreciating asset, or capital works. Given the potential downside of getting such characterisation wrong, it is strongly advised that you obtain proper professional advice if your situation is less than 'vanilla', lest you find yourself in the firing line of the ATO.

**Important disclaimer:** No person should rely on the contents of this article without first obtaining advice from a qualified professional person.



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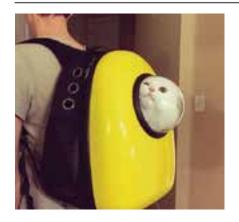
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## WHAT'S NEW

## WHAT'S HOT

By Jordan Tindal. Email your submissions to media@reiq.com.au





### Cat backpack!

Yes, you read that right! Cat backpacks are a thing! This backpack lets you go on adventures with your furry felines. The capsule has a round window that gives the passenger cat a view of the scenery. Some would say that this is the puurrrrr-fect adventure accessory. There are many sites online where you can purchase this pet carrier.



### Open2View app

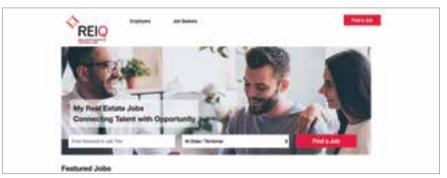
The team at Open2view, who specialise in property photography, have helped bring REIQ flyers to life! By using the virtual reality feature on the Open2view app, this can be downloaded for free on both Apple phones and Androids, you can unlock a mini promo video for REAL TECH 2017. Simply download the Open2view app, click the VR code in the top left hand corner, hover over the REAL TECH logo on the flyer and watch the video play right in front of your eyes.





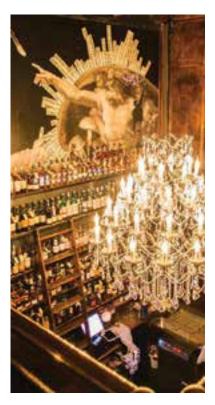
### REIQ My Real Estate Jobs portal

Looking for staff? Looking for a new job? REIQ is your one-stop-shop for all things real estate with the new jobs portal that has recently been released. Visit **www.myrealestatejobs.com.au**, depending on what you want to do, click on "Find a job" or "Post a job".



## SavileRow FortitudeValley

Discover this sophisticated vintage bar right in the heart of Brisbane's Fortitude Valley. Enter the breathtaking venue through an unassuming orange door on Anne Street into a spectacular bar scene. The dark paneling and wooden furniture, mixed with the hard-tomiss chandelier gives you a feel of comfort and style all at the same time. Choose from the extensive list of spirits or order from their creative cocktail list - which includes cocktails inspired by movie characters. The library-like spirits wall is an attraction on its own, which includes a ladder for the bartenders to climb in order to make your specialty drinks. Enjoy this hidden watering hole from the fover or from above in the booths.



## **REIQ Events**

#### Auction time!

The REIQ Auctioneer of the Year competition was another smashing success, with more than 15 entrants competing in the heats. For the first time, judges were unable to name just four finalists and so six auctioneers went through to the finals. Matt Condon, David Holmes, Gordon MacDonald, Justin Nickerson, Mark Te Whare and Mitch Peereboom. Matt Condon was unable to compete in the finals.

Justin Nickerson was named the winner, with Mitch Peereboom the runner up. This is Justin's fourth title win, having claimed the titles in 2013, 2016, 2017 and now 2018.

The REIQ would like to thank the 15 entrants for lifting the bar and committing their own professional development by entering, and also the judges and MCs who gave so selflessly of their time and their expertise.

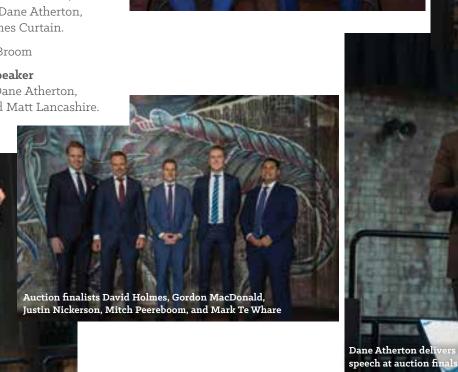
**Heats judges:** Mark MacCabe, Phil Parker, Peter Burgin, Mark Frater, Alistair MacMillan.

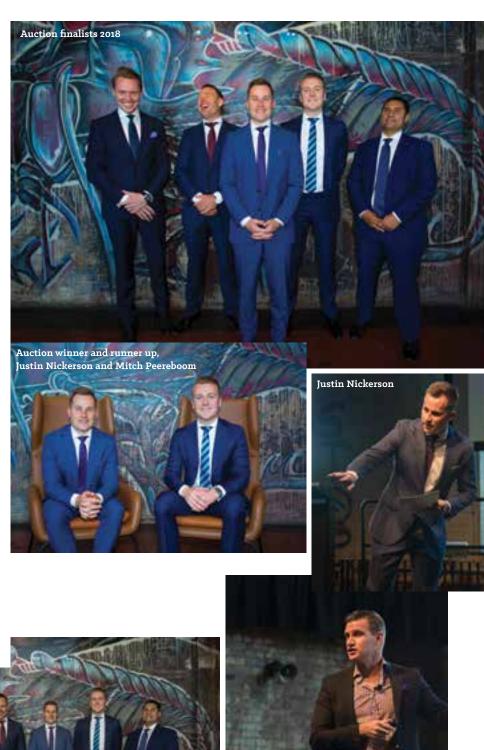
Heats MC: Peter Burgin

**Finals judges:** Mark MacCabe, Matt Lancashire, Dane Atherton, Wally Boydell, James Curtain.

Finals MC: Phill Broom

Finals keynote speaker and presenters: Dane Atherton, James Curtain and Matt Lancashire.





Mitch Peereboom

#### Welcome home, REIQ!

More than 100 notable real estate identities and dignitaries gathered at the REIQ's new HQ in Cannon Hill to formally open the building on July 27. The Lord Mayor of Brisbane Graham Quirk congratulated the REIQ on its rich history serving the Queensland real estate industry and on the move to the modern new premises that would equip the organisation for another century of exemplary service. REIQ Chairman Rob Honeycombe also congratulated CEO Antonia Mercorella on her incredible achievement finding and renovating the building, "on time and on budget". Food and drinks were served as guests celebrated our new home.









The Business Brokers Forum brought the broker community to REIQ HQ to hear from the sector's leading speakers, who shared insights and tips for success. Former Summit speaker and businessDEPOT director John Knight, REIQ award winner Ian Salter from Benchmark Business & Valuations, and Century 21 Redwood Realty technology and training director Tara Christianson were among some of the speakers.



## What's on at the REIQ



Date: 8 September

Event: 2017 Women in Real Estate Lunch

**About:** The annual Women in Real Estate Lunch celebrates the success of women in our profession and provides an opportunity for women to come together to learn, network and grow. Introducing our 2017 guest speaker, Bernadette Schwerdt.

#### Details:

Date: Friday 8th September

Location: Victoria Park, Herston

Time: 11.30am – 2.00pm

Cost: Members \$125 (inc GST) Non-members \$150 (inc GST)



Date: 9 September

**Event: House & Land Seminar** 

**About:** Partnering together, Gold Coast Bulletin and REIQ will present a multiplatform 'House & Land' seminar aimed to inform and educate First Home Buyers and Investors, arming them with everything they need to know to make an informed decision on their next real estate purchase.

#### Details:

Date: Saturday 9th September
Location: Gold Coast Sharks
Time: 9.30am - 12.00pm
Cost: Complimentary



Date: 27 October

Event: Residential Sales Conference Day

**About:** Designed for sales professionals, this day will cover the latest in legislation, market trends, personal branding and prospecting. Save the date now, more details coming soon.

#### Details:

**Date:** Friday 27th October **Location:** REIQ – 50 Southgate

Avenue, Cannon Hill **Time:** 9.00am – 5.00pm

**Cost:** Members \$199 (inc GST) Non-members \$249 (inc GST)

## **Upcoming REIQ Zone Events**

CPD Session: Legal Updates and Document Refresher

Date	Zone	Breakfast/Lunch	CPD	Venue
13 Sept	Emerald	9.30 – 11.30am	COMBINED	Mayfair Ridge Tavern
11 October	Cairns	12.00 – 1.30pm	2.00 – 3.30pm	Paradise Palms Golf Resort
12 October	Townsville	12.00 – 1.30pm	2.00 – 3.30pm	Rydges Hotel Townsville
18 October	Caboolture/Redcliffe	12.00 – 1.30pm	2.00 – 3.30pm	North Lakes Golf Club
25 October	Gold Coast	12.00 – 1.30pm	2.00 – 3.30pm	Parkwood International
26 October	Western	12.00 – 1.30pm	2.00 – 3.30pm	Indooroopilly Golf Club

### Real Estate Jobs

#### SELF-MOTIVATED PROPERTY MANAGER

We are seeking an enthusiastic selfmotivated portfolio property manager who is able to work in a team environment using the latest software and technology to enable you to perform at your best. We offer a dynamic culture, fantastic in-office support and a fully maintained company car as well as checklists and procedures with extra support and ongoing training/ professional development.

For further details please Contact Kayla Benson - 07 3470 6999 or admin@springfield.com.au



We are looking for Full-time Sales people for our busy South Brisbane office. The chosen applicants will have a substantial warm database to work with immediately, and will also receive appraisal leads from our large rent roll. Real Estate License or Registration Required.

For a confidential interview, call Rebecca Herbst on 0431 608 422



#### BUSINESS DEVELOPMENT MANAGER

We are looking for a Full-time Business Development Manager to lead our New Business & Leasing Team. Ability to generate leads and successfully manage strong client relationships. Real Estate License or Registration Required.

For a confidential interview, call Clint Dowdell-Smith on 0401 873 181



Advertise your position vacancies directly to members of the REIQ. Contact Jordan at jtindal@reig.com.au to place an ad.

## IF IT HELPS YOU... IT'S IN THE REIQ UPDATE!

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## Awards help you map your progress



Name: Robert Dunne

Award: Commercial Salesperson of the Year

**Agency:** Savills

Robert Dunne is the Director of Commercial Sales in the Savills Brisbane office. For many years, he has been the leading commercial site salesman in Brisbane. He has previously represented the REIQ in the Australasian Auctioneering Championship and is the current Commercial Salesperson of the Year in Oueensland.

#### Why did you enter the awards?

Savills is proud to be a member of the REIQ and delighted to participate in building a positive awareness of our industry. Personally I am part of a great Savills team and recognition of excellence is something we all strive for.

#### How many times have you entered?

This is the second year I have been entered.

### How many times have you been named a finalist or a winner?

I was a finalist in my first year, which was encouraging. Winning was a great feeling of being part of something important and worthwhile, of being recognised by the industry.

## What did you learn from the process? How can others improve their chance for success?

The awards process is a great way to reflect on your professional achievements, to understand them, and to communicate your learnings to others. It's about the "why" and the "how" of success, not just the "what" or the "how much".

My biggest learning curve came after being a finalist and not winning. Getting detailed feedback about how I could improve in terms of the judging criteria and the interview process was immensely helpful, not only in doing better at the awards, but also getting better at what I do.

## What are your three tips to someone who has entered and not yet succeeded?

- Keep trying. Enter again.
   Participating is its own reward and shows a desire to improve.
- Learn from the feedback provided.
   Learn what to accentuate and what to leave out. Get better at expressing yourself in terms of the industry.
- 3. Improve. Get better at what you do, and get better at communicating.

## For those who have not yet entered, why should they do it?

We have a vibrant community with a long history and we play a vital role in our society. Involvement in the awards recognises the importance of having a professional association so that we can all get better at what we do, helping people with our energy, creativity, knowledge and expertise.

#### Share some of your thoughts about the Awards gala dinner. What does it mean to be in a room of your peers?

The outpouring of congratulations from people as a result of the award has been amazing. It's a milestone. A peak moment personally and a great event for us all, especially the way it improves our reputation as constantly trying to do better as an industry.





How to win the listing

## Do your homework and be creative

WORDS BY MATT LANCASHIRE

Matt Lancashire is one of Brisbane's most successful real estate agents, breaking records earlier this year when he sold a Kangaroo Point property for \$18 million, the highest residential sale price for a Brisbane property. Not bad for someone who began selling just 11 years ago. Here, Matt shares his tips on how he won the listing for another luxury property that sold for \$12 million in 2015.

#### Set big goals

At the start of 2015 I made it my goal to not let any opportunity pass me by and it was this mentality that catapulted me to the next level in my real estate career.

I learned that a prestige property I had long admired was being prepared for sale. I also heard that another prestige property agent was already in talks with the owner.

My best efforts to get the owner's phone number failed, however, I did get his personal email address – that's all I needed!

#### Plan, plan, plan

I drafted the most important email of my career. I apologised for the intrusion before outlining my career achievements. I made sure that everything in my email was factual and relevant to his home with the underlying message that I was the agent for the job.

The owner called me. His manner on the phone was strictly business and he offered me a 10-minute meeting.

#### **Back yourself**

I invested \$10,000 in preparation for this meeting. I made sure each piece of marketing or pre-list paperwork was professionally printed. I ensured I was 100% prepared with every piece of ammunition to smash it out of the park. Our 10-minute meeting went for two hours.

#### Know your vendors, be creative!

A key point I want to outline is to get to know your potential vendors and try to be creative with your follow up. For this vendor, I learned that he was a whiskey connoisseur. I researched and purchased a rare whiskey as a thank-you for his time and, along with a hand written card, had it delivered to his office that day.

A week later I sat down and created what is now my standard listing pack. Back then it was the most detailed and thorough campaign schedules and marketing submission I had ever done. The attention to detail, level of intricacy and precision in our process blew the owner away and it was each of these finer details that helped me walk away with the signed Form 6 and my first sale in excess of \$10,000,000 with a final sale price of \$11,800,000 after a five-week campaign.

The preparation and sale process of this property has shaped how I now do business and it taught me that by not letting an opportunity pass me by and having the tenacity to back myself and hunt the listing I put myself in a position that eventuated in me beating the Brisbane price record for 2015.

"I invested \$10,000 in preparation for this meeting. I made sure each piece of marketing or pre-list paperwork was professionally printed."



## Done Deal

37 Lloyd St, Camp Hill

#### Agent:

Denis Najzar, Place Bulimba

Where is the house? 37 Lloyd St, Camp Hill

Sale price:

\$1,530,000

#### Tell us about the property:

This Hamptons style four-bed home in Camp Hill offers a sense of space over two levels, with high ceilings, American Oak floorboards and spectacular city views.

The kitchen includes Caesar stone benchtops and high-end Miele appliances, with an integrated fridge. The outdoor kitchen/barbecue entertaining area and saltwater swimming pool make entertaining easy in any weather.

#### How did you secure the listing?

Repeat listing, we sold the property 12 months ago and the people who bought it came through a buyer's agent.

#### How did you market the property?

Facebook Advertising, online exposure with REA and Domain, professional brochures, database email stream, letterbox dropping and contacting previous buyers from previous open homes from 35 Lloyd St which we sold in December 2016.



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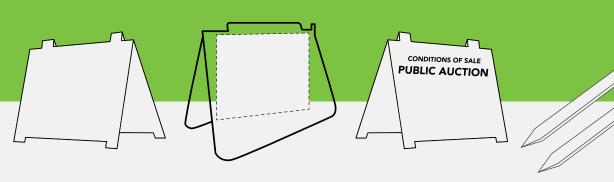
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