



The Busiest Lawyers in Town



Edition: 3rd February 2012

You might be surprised to hear this, but property managers in NSW are busier doing law than most of the solicitors. In discussing this with a leading property manager this year, it was discovered that she had attended court 7 times more often than us in the last 2 months. Although Leverage can't be considered a super busy legal practice, it did demonstrate the amount of legal work which is thrust upon property managers.

The Consumer, Trader and Tenancy Tribunal Act 2001 (CTTT) prohibits appearance in the tribunal by solicitors. Section 36 of the CTTT advises that solicitors can only attend with the leave of the tribunal member. In tenancy matters, this means a majority of cases would be refused.

The CTTT however permits advocates to attend the tribunal. In relation to the Residential Tenancy Act 2010, real estate agents who are properly authorised can attend the CTTT without leave. All sides of a tenancy dispute can have an advocate represent them on their behalf.

Considering that the CTTT case list is primarily governed by tenancy disputes, somewhere in the vicinity of 75% to 80%, it is not surprising that property managers are busy.

There is no doubt that property managers have a greater knowledge of the Residential Tenancy Act 2010 than most solicitors. They deal with it on a daily basis and have to refer to it regularly due to the extent of disputes in that jurisdiction. Nevertheless, are property managers designed and trained to:

- Interpret the law;
- Collate evidence;
- Develop Legal Strategy;
- Understand the procedures of courts and tribunals;
- Understand the legal principals such as natural justice that apply in a court and tribunal; and

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- Formulate submissions before a court or tribunal.

Many property managers do a great job in representing their landlords, however they have had to learn their own way in determining the CTTT disputes. Yes, for anyone who obtains a license, there is a requirement to have knowledge and some skills in relation to managing CTTT disputes. Unfortunately, most of the people representing landlords are just mere certificate holders who have never had any training and have acquired their experience by attending the tribunal. This is neither fair to the landlord nor to the property manager.

The Australian College of Professionals is so concerned about this that this year we are considering the development of 2 courses:

- A short 4 hour CPD course which is an overview of the CTTT advocacy; and
- A more extensive course which is designed to teach property managers how to develop, present and be victorious in matters before the tribunal.

This course will be designed to develop property managers, to become a highly effective advocate in the tribunal, local courts and other small claims.

If you are interested in this course, please email the College to identify your interest.

***Cheers,  
Bailey Compton  
and The team at ACP/Leverage!***



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