Solar Panels

Over the years, our trainers have been asked about solar panels and whether a landlord can claim the reduced electricity rebate. The questions are still coming, so it never hurts to have another look at the legislation and case law to see if there have been any changes or clarification on matters such as these.

In 2013 the College wrote a newsletter that explored the options for landlords wanting to take advantage of the Solar Bonus Scheme (SBS). This states that under a standard Residential Tenancy Agreement, the electricity is paid for by the tenant under an electricity account in the tenant’s name. Unfortunately for landlords, payments from the SBS go to the person whose name is on the energy bill, which in this case is the tenant. Adding to the landlord’s woes, under the SBS, when the name on the electricity account changes, the payments decrease to the minimum 20c per KW hour. For some landlords, this is a third of what they might have been earning from the scheme previously. In other words, if the landlord opts for a standard form residential tenancy agreement, they will lose their bonus payments.

So, if you are a landlord in this position, looking to hold on to your SBS payments, they are left with these two possible options:

1. The landlord could amend the tenancy agreement to include electricity usage in the rental price of your property, meaning it is up to the tenant to enter into a contract for the supply of electricity to the property. However, this is fraught with dangers, because if the landlord sets the rent too low, there is the chance that the tenants will use way more electricity than you factored in to the rental price leaving you well out of pocket. On the other hand, if the landlord sets the rent too high to avoid this scenario, they may price themselves out of the market.

2. Alternatively, the landlord could bill the tenants separately for electricity and keep the bonus payments for your solar panels, but only if such an arrangement was agreed upon in the lease. The Electricity Supply Act 1995 (NSW) provides in section 72 that Landlords may impose a charge for electricity supplied to a tenant if the supply is measured by a separate meter and the
charge imposed does not exceed the market price of electricity at the time or an amount prescribed by the Regulations. It would appear that this is the best option for NSW landlords.

Later in 2013 a case was heard in the CTTT (now known as NCAT) that dealt with a tenancy dispute, part of which included a dispute by the tenant about paying for their electricity when the bill was in the name of the landlord. The landlord received the rebate and passed on the lower rate for consumption to the tenants. The tenant’s disputed that because the account was not in their name, they should not have to pay the account. The Tribunal found that because the property was separately metered and the tenants had actually consumed the electricity, they were liable to pay the accounts. This outcome at the Tribunal shows that there is a way for the rebate to be claimed by the landlord, but it obviously comes with some difficult logistical issues, and these would need to be reflected in the Residential Tenancy Agreement.

Til next time,
Wishing you every success in your business ventures,
Rosy Sullivan

Stock & Station Agency Practices Course

for existing Real Estate, Strata and Business Broking Licensees

Monday 2nd to Friday 6th November
Sydney CBD

Strata Management Practices Course

for existing Real Estate, Stock & Station and Business Broking Licensees

Tuesday 10 to Friday 13th November
Sydney CBD

Check out our website
and the new photos of
the ACOP team.

Click here to Meet the Team
CERTIFICATE OF REGISTRATION COURSES

Castle Hill
Mon 2nd – Wed 4th Nov

Batemans Bay
(Dist Ed + 1 day workshop)
Thu 5th Nov

Bathurst
(Dist Ed + 1 day workshop)
Tue 10th Nov

Sydney
Mon 16th – Wed 18th Nov

Coffs Harbour
(Dist Ed + 1 day workshop)
Thu 19th Nov

Sydney
(Dist Ed + 2 day workshop)
Sat 21st – Sun 22nd Nov

Gosford
(Dist Ed + 1 day workshop)
Mon 23rd Nov

FINANCE AND MORTGAGE BROKING COURSES

Cert IV in Finance & Mortgage Broking
Sydney
Mon 23rd - Wed 25th Nov

Dip of Finance & Mort Broking Mgmt
Upgrade for existing Cert IV holders
Sydney
Thu 26th - Fri 27th Nov

News from the Office

It’s been a quiet fortnight here in the office as a few of the ACOP team members (Rosy, John, Megan and Sam) travelled up to Thailand for a nice relaxing cocktail and sun filled holiday. It’s so good, however, to have them back here with us working away, and we’re pleased to know that they definitely didn’t forget about us over in Thailand as they brought back some special gifts for everyone.

This week we added not just one, but two new members to our team. Garry, who will be training our CPD courses in regional NSW areas, and Vanessa who will be training in our Sydney CBD office and surrounding suburbs. We are delighted to have these great people join our team and I think everyone can agree they fit in perfectly and are already a part of our ACOP family.

Now onto our training courses for the past few weeks. We started off with our Certificate IV in Finance and Mortgage Broking which was a great class and our trainer Darryl was extremely thrilled with all of his students. We also had our CPD training seminars here in Sydney CBD, regional Sydney and around NSW. Both our corporate and public courses were exceptional, so exceptional in fact that we ended up adding a new CPD training course in Gunnedah! As well as CPD, we also held our Sydney CBD Certificate of Registration course which everyone in the office can agree that we always love to see and help new people join the real estate and strata industry. We had a great group of people this week and we wish them all the best for their future endeavours.

CPD

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✅ Are you no longer at school?

✅ Are you living or working in NSW?

✅ Are you an Australian citizen, Australian permanent resident, Australian permanent humanitarian visa holder or New Zealand citizen?

If you answered YES to the above questions, you will be eligible for government funding.

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