

March 2016

## Property Management News

### LEASING OR SELLING A HOME WITH A SWIMMING POOL OR SPA

There is new legislation which is due to commence on 29<sup>th</sup> April 2016. This has been deferred a couple of times already. However, I don't think it will be deferred again as there are enough inspectors now qualified.

#### What are the ramifications to you?

If you have any type of above, in ground or portable swimming pool, any spa pools that are capable of holding water to a depth of 300mm or more of water then this new legislation applies. Bathroom spas, any other spa or portable type pools that are emptied after use are not included.

#### What do you need to do?

If you are going to lease or sell property with any of the above then you need to obtain a Pool Certificate of Compliance from your local council or an accredited certifier. This certificate is then attached to the contract or the lease.

If the property is still for sale or lease after 29<sup>th</sup> April then a Certificate of Compliance must be attached to the contract or tenancy agreement.

#### What needs to comply?

Specifically that the barrier including fencing and gates meet the safety requirements.

#### How long does the certificate last?

The certificate remains valid for 3 years.

#### Strata and community title schemes where the pool/spa is on common property

The responsibility rests with the owners corporation to obtain the compliance certificate. I cannot find anything in the legislation regarding how an agent can obtain this certificate from a Body Corporate. One would assume this would be free of any charge.

#### How much does it cost?

A cost of up to \$150 for an initial inspection. If a second inspection is required (due to non compliance) the cost can be up to \$100.

#### Penalties for non compliance

Up to \$5,500 or on the spot fines by local council of \$550.

Best wishes



Ian Dinnerville