

**FOLLOW-UP REVIEW OF THE MANAGEMENT OF NSW PUBLIC  
HOUSING MAINTENANCE CONTRACTS**

**Name:** Miss Amanda Buchholz

**Date Received:** 21 December 2020

To whom it may concern,

I am writing this submission on behalf of my grandmother, [REDACTED] regarding the treatment given by Family and community Services relating to maintenance on her home.

Here is an approx timeline of how and when things happened:

An initial maintenance request was lodged in late December 17 relating to quite a number of repairs that needed to be completed. Advised that they were inundated with maintenance requests and we had to call back if no-one from the department had made contact within a month.

After additional maintenance was required in July 18, my grandmother advised me my cousin had placed the initial call in Dec 17 whilst here on holidays but she had not had anyone from the department contact her and arrange a time (i was unaware this call had been placed and my grandmother never mentioned anything about it until this time). I obtained the reference number for this call and called to see what the issue was. They advised that all repairs had been noted in the system however no action had been taken as it had to be completed under "planned maintenance".

I called again at the end of July and no action had been taken and they were unable to advise when this would occur so I called Land and Housing (Ashfield Head Office) to speak with someone there. [REDACTED] advised that it was placed in the system as a visit but to be incorporated when the next smoke detector test that had to be completed by 3 Aug 2018. Someone did attend the premises in January 2018 to complete the check on the smoke detector but that is all. No mention of repairs. The next smoke detector test was due to be completed in January 2019.

[REDACTED] advised that someone would be in touch within a couple of days.

I received a call from [REDACTED] on 14 Aug 18 who asked me to send her a list of the maintenance repairs that we lodged back in December 17. I sent her the email on 15 Aug 18 and did not receive a response from her until 24th Aug 18. At this point, she arranged for a couple of urgent repairs to be completed and submitted a request for someone to attend and inspect the residence.

[REDACTED] attended the residence on 29 Aug 2018 without any scheduled appointment time and did a quick walk-through. didn't really talk to my grandmother about the repairs required or advise when she would be looking at getting them done. They left within a 5 minute period. A gentleman then attended the residence without any scheduled appointment time on 31 Aug 2018. He completed a walk-through as well as taking photos. He also didn't say anything to my grandmother before leaving.

A letter dated 29 August 18 was received by my grandmother advising that someone would be out to complete an inspection - this was received after the above 2 unscheduled visits.

My grandmother received a call from a gentleman after these visits who advised he wanted to attend to complete an inspection on 5th Oct 18 (may not be exact date). He attended and did the same thing as the gentleman listed above on 31st August 18. Completed a walk-through and took photos. Not much was said and then he left.

I emailed [REDACTED] 16 Oct 18 requesting an update based on the three visits, without a response. I called Mallorie on 19th Oct 18. She advised me that she had received my email and getting back to

me was on her to-do list however she had to leave early and never got to it. She advised she would enquire on an update and get back to me. I never received a response.

I called back the Head Office on 22 Oct 18 asking that my case be escalated.

I called again on 24 Oct 18 asking that it be escalated again due to not getting any response. They advised me that the callback time-frame was between 3-5 business days.

I contacted [REDACTED] office 29 Oct 18 to see if they could help due to requests not being answered. I emailed them a quick overview of the issues I was having and they replied to me on 30 Oct 18 advising they would send through an enquiry through their channels.

I also called the general maintenance line on 30 Oct 18 to see if there had been any update made on her file. The gentleman I spoke to at the call centre advised that a report had been uploaded with photos however no notes to say any action had been taken or was due to be taken. He placed my call through to the feedback line but they explained that they were unable to help me as I had already made contact with head office. I ended up being put through to our local office (Wollongong) and managed to speak with a Senior Client Service Officer who happened to be the Tenancy manager for my grandmothers residence (her name was [REDACTED]).

I explained to her the situation I was dealing with and she advised she would put it forward to her team leader and make a diary note to contact me within a week with an update. During this discussion, she advised that we did have the option to take this to the Tenancy Tribunal for action. Sharon was meant to contact me by the 7 Nov 18, however no contact was made.

[REDACTED] called 6 Nov 18 advising they had received an enquiry from [REDACTED] office about the case. She advised that she had just had a discussion with my grandmother who advised her that we were going to arbitration. I advised [REDACTED] that I had been advised that this was an option for us and I was going to look into it further before making an application. She advised that [REDACTED] from the Wollongong office had been working on it in the background and she would be in touch to provide me with an update.

At one point, my mother took a call from someone from FACS asking that a survey be completed on maintenance that had been completed since July.

At that point, she had someone come and fix a few things that were marked as urgent. She had a tiler come out for the bathroom shower repairs, he completed a report and left. The report had to be submitted to the department for the works to be approved.

As of 9 Nov 18, I still had not received a call from [REDACTED] to provide an update on when the rest of the repairs would be completed.

We ended up lodging an application with the Tenancy Tribunal on 14 Nov 2018 which gave us a hearing date of 04 Dec 18.

At the hearing, we had a talk with [REDACTED] about the list of repairs we had lodged. We also had an advocate from the Illawarra Legal Centre to ensure we were getting the right information told to us and what my grandmothers rights were.

The hearing gave us a timeframe of when the noted repairs had to be completed by which was adhered to - less the painting.

From everything I have stated above, this just relates to one request with multiple repairs.

Why do FACS staff not respond to phone calls and/or emails?

Why does it take so long for maintenance requests to be actioned?

There are policies in place relating to the amount of notice FACS staff and contractors are required to provide to the tenancy holder in order to attend the home for an inspection (maintenance inspections included). Why are these policies not being followed? Why are FACS staff turning up whenever they feel like it to complete an inspection based on maintenance requests?

Why do the tenants have to lodge applications with the Tribunal to get their requests actioned?

It is clear to see that the way the maintenance is still the same. My grandmother lodged a repair for the fan in the bathroom to be replaced as it blew up (after the hearing had settled). 18 Months went by before it was replaced - it was not replaced any sooner because she has a window in the bathroom.

My grandmothers house moves depending on how hot or cold it gets. This creates issues with opening/closing and the front door. She has had to call several times since the hearing to have this fixed and this will be an ongoing issue.

Despite having insulation, her house is always cold. It is not safe to have heaters in the bedroom so she has to pile on the blankets just to keep warm in bed.

In August 2020 I lodged two maintenance requests on her behalf:

1 - electric stove. This stove is the same stove that was installed when the place was built. There are some times when two of the plates do not work. Someone did attend but as it was working at the time of attendance, the job was closed and the stove was noted down as 'good working order'.

2 - grout missing between tiles in shower wall and floor. Spotless forwarded the request onto Land and Housing on 14 Aug 2020 (Ref#16245228). There has been no contact made by Land and Housing to have this issue fixed. There is every chance that the floor underneath will fall down due to the exposure of water every day.

Once again I ask the question - why are tenants waiting so long for maintenance requests to be actioned?

There will be no doubt that I will submit another tribunal application to get the latest shower issue fixed should I not hear anything by the end of January (due to the Christmas period).



[REDACTED]  
[REDACTED]

File No: SH 18/48810  
Quote in all enquiries  
eNumber: 37683DF30

**Application to the Tribunal concerning** [REDACTED]  
[REDACTED]

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Applicant: [REDACTED]  
Respondent: NSW LAND AND HOUSING CORPORATION

On 04-Dec-2018 the following orders were made:

1. By Determination of member, on 04 December 2018 the hearing was adjourned to a date to be fixed by the Registrar to deal with the roof insulation issue.
2. The respondent's name HOUSING NSW/LAND AND HOUSING CORPORATION, is amended to NSW LAND AND HOUSING CORPORATION.
3. By consent, the Respondent (Landlord) shall cause the following repairs and work to be carried out at the premises on or before the date set out at the commencement of each item:
  - (a) 2 Jan 2019 - the Respondent's contractor is to return to the Premises to ensure the front door does not stick - the Applicant (tenant) is to call the contractors call centre immediately to seek the contractor's return to fix this item.
  - (b) 7 December 2018 - repair four tiles in the shower recess;
  - (c) 30 March 2019 - clean and remove mould and paint ceiling of the linen press.
  - (d) 30 March 2019 - repair and make operational the linen closet door.
  - (e) 30 March 2019 - clean and remove mould and join cornices in the lounge and dining rooms;
  - (f) 30 March 2019 - fill and repair cracks in the bathroom walls.
  - (g) 30 March 2019 - fix the aluminium angle over rear step to allow for further movement.
  - (h) 30 March 2019 - after tree removal, remove concrete slab and broken concrete in the back yard and re-concrete.
  - (i) 30 March 2019 - replace shelf under the kitchen sink.
  - (j) 30 March 2019 - replace the lock of the rear screen door.

Schedule 4, Clause 10(2) of the NSW Civil & Administrative Tribunal Act 2013 provides the following:

- (a) If the party causing the disadvantage is the applicant – order that the proceedings (or part of the proceedings) be dismissed or struck out, or
- (b) If the party causing the disadvantage is not the applicant:
  - (i) determine the proceedings (or part of the proceedings) in favour of the applicant and make any appropriate orders, or
  - (ii) order that the party causing the disadvantage be struck out of the proceedings (or part of the proceedings).

For further information about your rights and obligations in relation to this order please read NCAT's Rights and Obligations Guideline available on the NCAT website at [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au)

(k) 7 December 2018 - raise tree management orders seeking removal of tree and works shall be carried out as per tree management order.

(i) 20 March 2019 - seal the gap between the windows and eaves at the front of the Premises with filler or cover with trim.

2. The claim for insulation in the roof is adjourned to another hearing. The Applicant is to provide to the Respondent with evidence that such insulation is in place and now needs replacement by the Respondent.,

A separate written notice of the new hearing date will be sent to you in the near future.

  
Tribunal Member

**04/12/18**

Schedule 4, Clause 10(2) of the NSW Civil & Administrative Tribunal Act 2013 provides the following:

- (a) If the party is causing the disadvantage is the applicant – order that the proceedings (or part of the proceedings) be dismissed or struck out, or
- (b) If the party causing the disadvantage is not the applicant:
  - (i) determine the proceedings (or part of the proceedings) in favour of the applicant and make any appropriate orders, or
  - (ii) order that the party causing the disadvantage be struck out of the proceedings (or part of the proceedings).

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# NSW Civil & Administrative Tribunal

## Consumer & Commercial Division

### Application Form

**File Number:** SH 18/48810  
**Date Lodged:** 14/11/2018  
**Amount Paid:** \$50.20

#### **Applicant Details (Tenant)**

Applicant:  
Address:  
Daytime Phone Number:  
Email:  
Fax:

#### **Residential Premises in Dispute**

Rental Bond Number: No bond required

#### **NCAT Related File Numbers**

#### **Respondent Details (Landlord)**

Respondent: Housing NSW/Land and Housing Corporation  
ACN:  
Address:  
Daytime Phone Number:  
Email:  
Fax:

#### **Order/s Sought**

Section 65(1)(a) - An order that the respondent carry out repairs

Section 65(5) - An order that all or part of the rent payable be paid into the Tribunal until repairs are carried out

#### **Reasons for the Order/s**

- 15 December 2017 my cousin called Land and Housing maintenance line on [redacted] behalf. Due to the amount of repairs required, it was advised that a technical inspection had to be completed. Reference number 12642937. They advised to call back if no-one attended by end of February 2018.

- 22 July 2018 I was informed that one had already been lodged by my cousin.

- 23 July 2018 called the Land and Housing maintenance line and asked about the request. The person advised that she would re-submit the request as nothing had been done on it.

- 31 July 2018 called the Land and Housing maintenance line to see if there had been any progress.

- 31 July 2018 called the Land and Housing Head Office (Ashfield) to see if I would could speak with someone about the request. The caller took my details and said she would pass it on.

- A person by the name of [redacted] called me back (unsure of date) and we established that when the request that was lodged, it was entered as an inspection to occur at the same time as the smoke alarm testing. Smoke alarm testing happened in January 2018 and the person did not do an inspection and take notes/photos on the condition of the house. The inspection had an expiry date of 8th August 2018 in the system. The next smoke detector testing would not occur until January 2019.

- 14 August 2018 [redacted] called from Land and Housing and asked that all of repairs be sent through that we had requested

- 15 August 2018 email was sent to [redacted] with the following repairs request:

Front door - because of house movement, it cannot be opened or closed normally or easily.

Drainage in driveway - pane's missing. This is not just a hazard to my grandmother but also to her neighbours (one driveway) and visitors to either house.

Shower floor tiles - had lifted and needed to be replaced. Contractor attended and report submitted.

Mould throughout the house especially in linen press - when the house soaked up for one day, it smells of mould as soon as you open the door.

Linen press door are broken (siding doors) - cannot be moved

House needs to be re-painted - never been painted since they moved in.

Cornices in Dining through to lounge room - these are not even joined and are mouldy

Bathroom Wall (Inside) - Cracked from one side to the other. There is a point where you can stick a finger through the plaster

Wall cracked on side of house (bedroom).

Back step moving away from the back door

Concrete under clothes line - lifting and trip hazard.

Cupboard shelf under sink is bowed - being held up by piece of wood.

Back screen door in Laundry cannot be locked - I would say the lock has disintegrated and needs to be replaced.

I believe that the issue we have with the structural works from the age of the property and also the Jacaranda tree that was planted at the back of my grandmother's place. A tree which roots grow and grow and grow. Without the removal of this tree, the structural issues will only get worse.

- 24 August 2018 [redacted] responded with a reference number for the inspection (13669740) and it was to be completed by 13 September 2018

- 29 August 2018 [redacted] from local office attended to complete an inspection (unannounced)

- 29-30 August 2018 [redacted] got a letter out of her mailbox dated 20 August 2018 advising that someone would make contact to attend the residence to complete the inspection



- 30 August 2018 letter was sent from Housing advising that someone would attend the residence on 29 August 2018 (after the fact, no point to the letter really)
- 31 August 2018 a gentleman attended to complete the technical inspection (unannounced)
- 7 September 2018 I emailed [REDACTED] advising that people had attended without any prior contact and attached the letters. No response received from [REDACTED]
- 5 October 2018 another gentleman attended and did an inspection with notes and photos (same as visitor on 31 August 2018. This gentleman called and arranged the time)
- 16 October 2018 emailed [REDACTED] asking for an update on the report that was submitted on 31 August 2018 and advised that someone else attended on 5 October 2018. No response from [REDACTED]
- 19 October 2018 called [REDACTED] at the office and asked for an update. She advised that it was on her to-do list but had to leave the office early on Tuesday and had not got around to it when I called. She advised she would call Programmed (maintenance contractors) for an update. No response
- 22 October 2018 called Land and Housing (Ashfield) asking that I be contacted my a manager as I was unhappy with [REDACTED] service. No response.
- 24 October 2018 called Land and Housing (Ashfield) again as I had not received a call back. Was advised that my message was emailed to the team and that policy is a call back within 3-5 days. No response.
- 29 October 2018 called [REDACTED] to see if there was anything they could do. They asked me to email through some details in brief and they would pass it on through internal channels. Emailed them through the details.
- 30 October 2018 called the Land and Housing Maintenance Line and the person I spoke with could see that the report had been lodged with photos but no further information was available. He did tell me the process that once the report is submitted, quotes should be obtained for the works then they would either be approved or declined. He passed me to the feedback line [REDACTED] as he said they may be able to help. [REDACTED] advised that they did not have any further information other than what I had been advised by the maintenance line and I would need to either speak with [REDACTED] tenancy officer or wait for Land and Housing (Ashfield) to call me back.
- 30 October 2018 called the local council [REDACTED] and they passed me to the Compliance team (based on the location of the residence). I left a message with [REDACTED] or the Senior Client Service Officer to call me back
- 30 October 2018 [REDACTED] called me back [REDACTED] advised she would pass my concerns on to the team leader and advised that if I did not hear anything within the week (18), then to lodge an application with the tenancy tribunal
- 7 November 2018 [REDACTED] called from Land and Housing (Ashfield) and advised she had just spoken to [REDACTED] based on not fact that they had received from [REDACTED] and that [REDACTED] told her we were going to arbitrate on the following day. I advised [REDACTED] that we were going to the local tribunal office to obtain some information on how to lodge the application. [REDACTED] advised that [REDACTED] had been working on this in the background on this and she would provide me with an update.

Today is the 11 November 2018 and we still have not received an update on the report from the inspection that was completed 31 August 2018.

A tenant had previously attended the residence regarding the tiles falling on the shower floor. A report was lodged however this has never been rectified. These tiles can actually be removed from the floor now as a result of it not being fixed.

There is no insulation on the roof - this house is so cold. This was not in the report however we would also like this fixed.

There are now gaps between the eaves and windows on the front of the house from the movement of the house.

This residence is kept in an immaculate condition, and she has always paid her rent on time and never in arrears.

I have taken my own photos, and these can be submitted if required.

### **Special Needs**

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### **Author**

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I, Amanda Buchholz, verify the accuracy of the information contained in this application