



**Australian Government**

**Department of Education, Employment and Workplace Relations**

# **CPPDSM4046A Manage tenancy disputes**

**Release: 1**

## **CPPDSM4046A Manage tenancy disputes**

### **Modification History**

Not Applicable

### **Unit Descriptor**

#### **Unit descriptor**

This unit of competency specifies the outcomes required to use communication techniques to manage and resolve tenancy disputes. It requires the ability to assess tenancy dispute situations, accurately receive and relay information, adapt interpersonal styles and techniques to varying social and cultural environments, and evaluate responses to tenancy disputes.

The unit may form part of the licensing requirements for persons engaged in real estate activities in those States and Territories where these are regulated activities.

### **Application of the Unit**

#### **Application of the unit**

This unit of competency supports the work of licensed real estate agents and real estate representatives to use communication techniques to manage and resolve tenancy disputes.

### **Licensing/Regulatory Information**

Refer to Unit Descriptor

## Pre-Requisites

**Prerequisite units** Nil

## Employability Skills Information

**Employability skills** The required outcomes described in this unit of competency contain applicable facets of employability skills. The Employability Skills Summary of the qualification in which this unit of competency is packaged, will assist in identifying employability skills requirements.

## Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a unit of competency.

Performance criteria describe the required performance needed to demonstrate achievement of the element. Where ***bold italicised*** text is used, further information is detailed in the required skills and knowledge and/or the range statement. Assessment of performance is to be consistent with the evidence guide.

## Elements and Performance Criteria

### ELEMENT

### PERFORMANCE CRITERIA

- |   |   |
|---|---|
| <p><b>1 Assess tenancy dispute.</b></p>               | <p>1.1 <i>Tenancy dispute</i> is identified and responses are evaluated in line with agency practice and <i>legislative requirements</i>.</p> <p>1.2 Causes of tenancy dispute are accurately recognised and appropriate responses are identified to prevent escalation in line with agency procedures.</p> <p>1.3 <i>Rights of tenants and landlords</i> in regard to dispute are identified in line with legislative requirements, ethical standards and agency practice.</p> <p>1.4 Effective <i>interpersonal communication skills</i> are used to elicit and interpret verbal and non-verbal information from landlords and tenants.</p> <p>1.5 Effective <i>communication techniques</i> are used to ensure an accurate exchange of information with landlords and or tenants.</p> <p>1.6 Situations requiring <i>specialist advice</i> are identified and assistance is sought as required in line with agency practice.</p> |
| <p><b>2 Resolve tenancy disputes.</b></p>             | <p>2.1 <i>Tenancy dispute is negotiated</i> and resolved constructively in line with agency procedures.</p> <p>2.2 <i>Negotiation techniques</i> are used to maintain positive interaction, and divert and minimise aggressive behaviour.</p> <p>2.3 Communication with others is conducted in a courteous manner that reflects sensitivity to individual, <i>social and cultural differences</i> in line with agency practice.</p> <p>2.4 Contradictions, ambiguity, uncertainty or misunderstandings are identified and clarified in line with agency practice.</p> <p>2.5 Factors that might affect the safety or security of <i>clients and colleagues</i> are identified and appropriate responses or <i>contingency measures</i> are formulated and implemented.</p> <p>2.6 <i>Legal dispute resolution strategies</i> are assessed and implemented if dispute is unable to be resolved.</p>                                  |
| <p><b>3 Evaluate response to tenancy dispute.</b></p> | <p>3.1 Effectiveness of response to tenancy dispute is evaluated and reviewed in line with legislative requirements and agency practice.</p> <p>3.2 Response evaluation findings are organised in a format suitable for analysis in line with organisational</p>  |

<b>ELEMENT</b>	<b>PERFORMANCE CRITERIA</b>
	requirements.
	3.3 Incident observations are provided in an accurate, concise and constructive manner when reviewing and debriefing situations.
	3.4 <b><i>Business equipment and technology</i></b> are used to prepare <b><i>records and reports</i></b> in line with applicable OHS, legislative and agency requirements.
	3.5 Information is securely maintained with due regard to confidentiality, legislative requirements and agency practice.

## Required Skills and Knowledge

### REQUIRED SKILLS AND KNOWLEDGE

This section describes the essential skills and knowledge and their level, required for this unit.

#### Required skills:

- ability to communicate with and relate to a range of people from diverse social, economic and cultural backgrounds
- analytical skills to interpret documents such as agency and statutory forms associated with leases or tenancy agreements
- application of risk management strategies associated with the rights of landlords, agents and tenants with regard to tenancy disputes
- computing skills to access agency databases, send and receive emails and complete standard forms online
- decision making and problem solving skills to analyse situations associated with tenancy disputes and make decisions in line with legislative and ethical requirements
- literacy skills to access and interpret a variety of texts, including legislation, regulations, leases and tenancy agreements; prepare general information, papers, and formal and informal letters; and complete standard and statutory forms
- negotiation skills to reach agreement with landlords and tenants on tenancy disputes
- numeracy skills to calculate and interpret data, such as cost of damage to managed property and proportion of bond money or security deposit to be claimed by landlord to cover costs of repairs to damaged properties
- planning, organising and scheduling skills to perform tasks associated with resolving tenancy disputes
- research skills to identify and locate documents and information relating to leases

## REQUIRED SKILLS AND KNOWLEDGE

and tenancy agreements.

### Required knowledge and understanding:

- conflict resolution strategies
- consumer protection legislation, including:
  - consumer protection principles relevant to leases or tenancy agreements
  - effect of consumer protection legislation on contracts
  - effects of consumer protection legislation on leases and tenancy agreements
  - penalties and remedies available for breaches of consumer protection legislation
  - protection offered to consumers under consumer protection legislation in leases or tenancy agreements
  - purpose
  - rights and obligations of estate agents, landlords and tenants under consumer protection legislation in relation to leases or tenancy agreements
- contracts
- ethical practices associated with tenancy disputes
- powers of courts and tribunals with regard to tenancy disputes, including:
  - evidence
  - jurisdiction
  - orders
  - procedures
- relevant federal, and state or territory legislation and local government regulations relating to:
  - anti-discrimination and equal employment opportunity
  - consumer protection, fair trading and trade practices
  - employment and industrial relations
  - financial services
  - OHS
  - privacy
  - property management
  - residential tenancies
- risks and risk management strategies associated with handling tenancy disputes
- leases and tenancy agreements, including:
  - condition report and disclosure statements
  - fixed and periodic
  - format of agreements
  - key features of the different types of leases and tenancy agreements
  - legal obligations of agent, landlord and tenant

## REQUIRED SKILLS AND KNOWLEDGE

- renewal of leases and tenancy agreements
- rents, security deposits and bond moneys
- termination of leases and tenancy agreements
- tenancy disputes requiring agency and statutory documentation
- ways of managing tenancy disputes and resolution procedures that require documentation, procedures, advantages and disadvantages, include:
  - court
  - direct communication
  - mediation
  - negotiation
  - tribunals
- trust accounts.

## Evidence Guide

### EVIDENCE GUIDE

The evidence guide provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge, the range statement and the Assessment Guidelines for this Training Package.

#### Overview of assessment

This unit of competency could be assessed through case studies and practical demonstration of using communication techniques to manage and resolve tenancy disputes. Targeted written (including alternative formats where necessary) or verbal questioning to assess the candidate's underpinning knowledge would provide additional supporting evidence of competence. The demonstration and questioning would include collecting evidence of the candidate's knowledge and application of ethical standards and relevant federal, and state or territory legislation and regulations. This assessment may be carried out in a simulated or workplace environment.

#### Critical aspects for assessment and evidence required to demonstrate competency in this unit

A person who demonstrates competency in this unit must be able to provide evidence of:

- adapting interpersonal style and techniques to varying social and cultural environments in order to manage and resolve tenancy disputes in line with agency practice, ethical standards and legislative requirements
- assessing tenancy dispute situations in line with agency practice, ethical standards and legislative requirements
- evaluating effectiveness of agent and agency response to

tenancy disputes

- knowledge of agency practice, ethical standards and legislative requirements in relation to tenancy disputes
- knowledge of agents, landlords and tenants rights and duties in relation to tenancy disputes
- knowledge of consumer protection principles in relation to tenancy disputes
- knowledge of tenancy dispute resolution strategies
- using communication techniques to manage and resolve tenancy disputes in line with agency practice, ethical standards and legislative requirements
- using different strategies, including negotiation, mediation, tribunals and courts, to manage and resolve tenancy disputes in line with agency practice, ethical standards and legislative requirements.

### **Context of and specific resources for assessment**

Resource implications for assessment include:

- access to suitable simulated or real opportunities and resources to demonstrate competence
- assessment instruments that may include personal planner and assessment record book
- access to a registered provider of assessment services.

Where applicable, physical resources should include equipment modified for people with disabilities.

Access must be provided to appropriate learning and/or assessment support when required.

Assessment processes and techniques must be culturally appropriate, and appropriate to the language and literacy capacity of the candidate and the work being performed.

Validity and sufficiency of evidence require that:

- competency will need to be demonstrated over a period of time reflecting the scope of the role and the practical requirements of the workplace
- where the assessment is part of a structured learning experience the evidence collected must relate to a number of performances assessed at different points in time and separated by further learning and practice with a decision of competence only taken at the point when the assessor has complete confidence in the person's competence
- all assessment that is part of a structured learning experience must include a combination of direct, indirect and supplementary evidence
- where assessment is for the purpose of recognition

(RCC/RPL), the evidence provided will need to be current and show that it represents competency demonstrated over a period of time

- assessment can be through simulated project-based activity and must include evidence relating to each of the elements in this unit.

In all cases where practical assessment is used it will be combined with targeted questioning to assess the underpinning knowledge. Questioning will be undertaken in such a manner as is appropriate to the language and literacy levels of the candidate and any cultural issues that may affect responses to the questions, and will reflect the requirements of the competency and the work being performed.

## Range Statement

### RANGE STATEMENT

The range statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. ***Bold italicised*** wording in the performance criteria is detailed below. Add any essential operating conditions that may be present with training and assessment depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts.

Tenancy disputes ***may include:***

- accidents resulting in injury
- cleanliness of property
- discrimination
- faulty appliances, fixtures and fittings
- damage or destruction of property
- health and safety
- loss of landlord's or tenant's goods
- non-performance of terms of lease or tenancy agreement
- property repairs and maintenance
- provision of property services
- rent arrears
- rent increases and reviews
- security deposits or bonds
- situations affecting the security of self, others or property
- tenant abandoning the premises
- tenant leaving the landlord to pay bills that the tenant should have paid
- termination of lease or tenancy agreement

- Legislative requirements*** may include:
- trust funds.
  - relevant federal, and state or territory legislation and local government regulations relating to:
    - anti-discrimination and equal employment opportunity
    - consumer protection, fair trading and trade practices
    - employment and industrial relations
    - financial services
    - OHS
    - privacy
    - property management
    - residential tenancies.
- Rights of tenants and landlords ***may include rights and duties in relation to:***
- anti-discrimination law
  - business or commercial law
  - common law
  - consumer law
  - contract law
  - privacy law
  - property law.
- Interpersonal communication skills*** may include:
- active listening
  - providing an opportunity for landlords or tenants to clarify their understanding of the sales process
  - soft questioning and seeking feedback from landlords or tenants to confirm own understanding of their needs and expectations
  - summarising and paraphrasing to check understanding of landlord or tenant message
  - using appropriate body language.
- Communication techniques ***may include:***
- active listening
  - clear, concise and legible writing
  - giving landlord or tenant full attention
  - maintaining eye contact
  - non-verbal communication, such as body language and personal presentation
  - speaking clearly and concisely
  - using appropriate language and tone of voice
  - using open and closed questions.
- Specialist advice ***may be sought from:***
- agency principal
  - clients
  - colleagues
  - counsellors
  - emergency personnel

- Tenancy dispute is negotiated ***may include:***
- health and safety personnel
  - industry professionals and members of industry associations
  - legal representatives.
  - direct communication with tenant or landlord
  - negotiation
  - mediation.
- Negotiation techniques ***may include:***
- using strategic questioning and listening to gather information and direct the focus of people involved
  - using positive, confident and cooperative language
  - controlling tone of voice and body language
  - using language and concepts appropriate to the people involved
  - using clear presentation of options and consequences
  - demonstrating flexibility and willingness to negotiate
  - using summarising of positions and agreements to move understanding.
- Social and cultural differences ***may be expressed in:***
- beliefs, values and practices
  - conventions of gender and sexuality
  - cultural stereotypes
  - diet
  - dress
  - food
  - religious and spiritual observances
  - social conventions
  - traditional practices and observations
  - verbal and non-verbal language.
- Clients and colleagues ***may include:***
- agency staff
  - building supervisors
  - company management
  - funds providers
  - government and legal instruments or agencies
  - institutions
  - insurers
  - landlords
  - licensed estate agents
  - owner-occupiers
  - property owners
  - real estate representatives
  - tenants.
- Contingency measures ***may include:***
- counselling
  - cultural support

- defusing strategies
  - first aid
  - intervention
  - mediation
  - selecting alternative actions that may require use of legal processes
  - separation and isolation
  - special watch
  - specialists and experts.
- Legal dispute resolution strategies *may include*:
- courts
  - tribunals.
- Business equipment and technology *may include*:
- computers
  - data storage devices
  - email
  - facsimile machines
  - internet, extranet and intranet
  - photocopiers
  - printers
  - scanners
  - software applications such as databases, word applications.
- Records and reports *may include*:
- electronic or paper-based information
  - incident reports
  - logs and journals
  - organisational forms
  - radio and telephone records
  - records of conversation
  - running sheets
  - task allocation sheets.

## Unit Sector(s)

**Unit sector** Property development, sales and management

## Competency field

**Competency field** Real estate

