

Owners/ Landlords Frequently Asked Questions



We have smoke alarms installed, why isn't it the tenants duty to maintain them?

If you are renting out a dwelling or unit, the Victorian Building Authority (VBA), the Building Codes of Australia (BCA) and Consumer Affairs Victoria (CAV) make it clear that it remains your responsibility as the Landlord to ensure smoke alarms are installed and kept in working condition. Tenants are encouraged to act in their own best interests and check them regularly, but frequently the opposite occurs and tenants tamper or remove them because of nuisance alarms from cooking.

We have hard-wired smoke alarms connected to the mains power, so why do we need service?

All hard-wired smoke alarms have backup batteries. These batteries are in place because mains power can fail in a serious house fire. In addition to battery replacement, the annual inspection and test service checks other components of smoke alarms. These components include the test button, alarm "sounder" and "sense chamber" which can fail and render the alarms ineffective.

What exposure do we have in the event of a fire incident? e.g. isn't this covered in our other insurances?

Insufficient alarms in place, alarms in wrong locations, expired alarms and absent batteries all have potential to expose the Landlord to being denied insurance cover and/or be subject to a negligence claim by the tenant. Smoke Alarm Specialists ensure tenants are present and sign off a technicians report at time of inspection and test. This report is tangible evidence that the tenant has understood that the smoke alarms are in working order.

What do insurance investigators consider in the aftermath of a fire?

It is standard procedure for fire investigators to check whether Australian Standards, Manufacturers Recommendations and Statutory Obligations have been met. Properties managed by an Agency where a formal procedure is in place, have the greatest surety against such an event. Such procedures demonstrate an adequate 'duty of care' has been performed on behalf of the tenants.

Is this new legislation?

There is a need for property owners and managers to keep pace with the changing risk profile of rental properties in Victoria regarding fire safety. Factors which impact this risk include fire incidents and resulting coronial court findings, evolving State legislation, shifting levels of tenant knowledge and awareness, a changing population demographic, technology innovation and new research.

Just how common are these fire events?

The Australian Bureau of Statistics most recent figures state Australia has some 12,000 house fires each year. In Victoria, the Emergency Services report on average 4,500 house fires annually. Nationally each year over 50 people die as a result of fire, with many more injured. Without working smoke alarms, the Metropolitan Fire and Emergencies Board (MFB) have stated a fatality is four times more likely. The mainstream media publishes some 70-100 articles each year specifically noting the role smoke alarms play in these fire incidents. A list of these articles can be viewed on the www.smokealarmspecialists.com.au media page.

Why weren't we made aware of this when we initially signed up with our Managing Agent?

Real Estate Agencies have reviewed their standing in respect of smoke alarms in rental properties. They have done this considering greater consumer awareness, recent court cases, the legal advice of the peak industry association (REIM) and applicable legislation. It has now become common practise for Managing Agencies to retain a service provider to do this work on behalf of Landlords. It does remain the prerogative of Landlords to undertake this maintenance responsibility themselves. Landlords are advised not to undertake this responsibility without thorough working knowledge of the technical requirements and legal ramifications involved.

Why can't the Property Managers do this for us as part of periodic inspections?

A quick visual inspection of smoke alarms at periodic inspections by the Property Manager is no longer adequate. More detailed work is required to meet compliance standards. Property Managers do not possess the time, technical training or equipment to guarantee that smoke alarms are being maintained to compliance standards.

If we make the property compliant, why do we need an ongoing service?

There are maintenance requirements to change replaceable batteries, clean the alarm, test sound levels and check the function of the alarm 'sense chamber' each year. To meet manufacturer's recommendations only specific long life 9volt batteries are to be used. The recommended batteries retail for \$5.00-7.00 and are replaced by Smoke Alarm Specialists within their annual service fee. Tenants who replace batteries often use cheaper batteries, which can impact compliance, function and safety. Smoke Alarm Specialists also provide specific fire evacuation advice to tenants based upon the floor plan of the property while attending.

How do we know the Service Providers do what they charge us for?

Smoke Alarm Specialists take date and time stamped digital photos of all alarms in your property. These can be cross referenced with the Technician's attendance register which is signed by the Tenant to achieve full accountability and transparency. Photos are available without charge for Owners who wish to verify that smoke alarms replaced at time of inspection were in fact expired.

Are there any court precedents for Owner negligence with smoke alarms?

There are now Coronial Court findings in most States of Australia which highlight stakeholders who neglected their duty of care responsibility to occupants. Two recent Coroner Reports in Melbourne were particularly damning of both property owners and managing agents in terms of negligence. These findings were the outcome of rental property fires in the Melbourne suburbs of Footscray and Brunswick where fatalities occurred.

Is this a national or state obligation?

Throughout Australia control of the requirements to construct and maintain buildings is regulated by each State and Territory. In the State of Victoria maintenance of fire protection systems and equipment is controlled by the Victorian Building Authority (VBA). These regulations include adoption of technical documents such as the Building Code of Australia (BCA) and Australian Standards.

How long do these alarms last?

All smoke alarms are to be replaced once they reach 10 years of age. They may operate and function beyond that age, but manufacturer's recommendations and Australian Standards require them to be replaced at 10 years of age.

Why are photoelectric smoke alarms preferred? e.g. they cost more!

Photoelectric alarms are the product of choice for rental properties. The alternative Ionisation smoke alarms result in many more nuisance alarms and are more commonly dismantled by tenants as a result. Additionally, photoelectric alarms detect smouldering smoker earlier than Ionisation alarms. Recent research has indicated that most fatalities are caused by smoke inhalation from smouldering fires. Some states of Australia have now mandated the installation of photoelectric smoke alarms. E.g. Western Australia and Queensland.

When are mains-powered smoke alarms mandatory?

The Building Code of Australia (BCA) made mains-powered alarms mandatory for residences with Building Permits dated after the 1Aug1997. For properties built before this date portable 'self contained' smoke alarms can be legally used in Victoria.

Where are the Compliance Reports kept?

The Compliance Reports issued by Smoke Alarm Specialists are kept on file at the Property Management Department. These are available to Owners upon request.

Where can I go to verify my obligations for myself?

The Victorian Building Authority (VBA), the Australian Building Codes Board (ABCB) and Consumer Affairs Victoria (CAV) are all bodies which can assist you as a Landlord to more fully understand your obligations and responsibilities.

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