

# Advice Note – short stay accommodation



The Property Agents Board (the Board) acts as the regulatory authority for property agents in Tasmania.

This advice note is provided to assist property agents to understand licensing and conduct requirements when undertaking short stay accommodation functions and whether a property agent may be subject to a conduct complaint under the *Property Agents and Land Transactions Act 2016* (the Act) whilst managing short stay accommodation.

**Please note** the following information is intended only to provide a general overview on short stay property management. It is not intended to be all-inclusive nor does it constitute legal advice.

## ***When does the exemption under Regulation 43 of the Property Agents and Land Transactions Regulations 2017 apply to licensed property agents who manage short stay property?***

### ***43. Exemption from application of Act***

*(1) In this regulation –*

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*(2) A person who acts as a property manager is exempt from the application of the Act if all property managed by the property manager is only leased or let for a period of 90 days or less.*

The exemption only applies if **all** property managed by the property management business are short stay accommodation (leased for a period of 90 days or less).

This means that the exemption can only apply if there are two elements:

- the property agent holds the licence category of a property manager, that is they appear in Part 2 of the Board's Register; and
- all the property managed by the property manager must be short stay accommodation.

### ***Conduct complaints***

A real estate agent, property manager and property representative who manage properties under a lease agreement in excess of 90 days as well as short stay property management functions can have a conduct complaint lodged against them relating to their conduct whilst managing any of these properties.

A conduct complaint under the Act means 'a complaint that appears to involve an issue of unsatisfactory professional conduct or professional misconduct or a conviction for a serious offence'.

The Board would consider whether the complaint related to conduct as a property agent(manager), whether or not the person was 'fit and proper', or whether the conduct amounted to a serious offence before it would consider it a complaint under the Act.