

Key of payment

The allocation of the operating costs or expenses to the property takes place according to the following principles: In the case of residential property, the apportionment must be made according to the ratio of the ownership shares of the apartment owners of the property. A different division (for example according to usable area) can be made by a unanimous written agreement of all homeowners or by court decision.

Each homeowner may require the establishment of a different accounting unit than that of the property if there are more than 50 homes or businesses or separate facilities (e.g. laundry rooms, lifts, etc.) on the property. Such a determination of another billing unit can also be linked to the definition of another billing unit. In the case of renting, the operating costs are allocated according to the usable floor space. A deviation of this is only possible with written agreement of all tenants with the landlord.

When renting cooperative flats, it is possible to allocate the operating costs according to the utility value, if such a utility value determination has been carried out. A majority of two-thirds of the tenants may agree in writing with the landlord that individual consumption-related expenses will be apportioned according to the measured and read consumption. Such an agreement is important in practice, especially for cold water consumption. Such a written agreement will result in a more cost-effective and fairer distribution of costs.

In the case of owner-occupied housing, this change in the distribution of individual consumption-related expenses (e.g. cold water) can also be determined by a two-thirds majority of the homeowners.

Tips for homeowners

Even before buying a condominium, you should inquire about any special distribution arrangements regarding operating and other incidental costs. In any case it makes sense to get the necessary information from the property management and from the land register, because a different distribution key of the operating costs can be noted in the land register.

Tips for tenants

When signing the lease, make sure that the operating costs are regulated as precisely as possible in order to avoid problems at a later date and to be able to realistically assess the current monthly payment burden.

In the case of a rented condominium, it is best to have the condominium owner's right to inspect the supporting documents assigned in the rental agreement.

Procedure

For the time being, we recommend that you check the individual items of the settlement by comparing them with the settlement of the previous year or previous years. Conspicuous changes to individual items compared to the previous year's accounts can then be specifically controlled by inspecting the documents. If the billing is incomplete or otherwise inadequate, you should contact the property management or the landlord to improve billing within a time limit of e.g. 2 weeks in writing. If your claim is not met, it is possible to enforce the claim in court.

Consulting hours

Advice on residential and tenancy law

Monday to Thursday 8.00 to 16.00

Friday 8.00 to 12.30

Please make an appointment for personal consultations!

Evening consultations on residential and tenancy law

Monday 17.00-19.00

Wednesday and Thursday 17.00 to 19.00

Without appointment!

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Important

Of course we elaborate all content of our guides carefully. Nevertheless, we cannot guarantee that everything is complete.

All AK publications are available for download: www.ak-salzburg.at/publikationen

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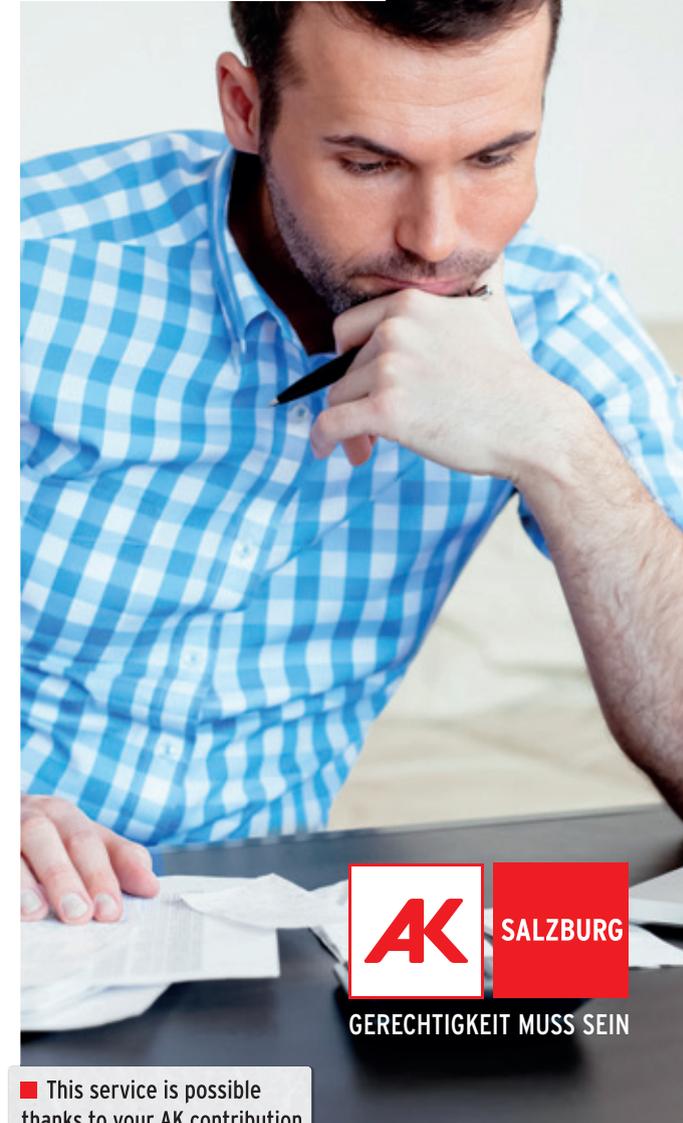
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REVIEW OF OPERATING COST

ASSISTANCE FOR CONTROL AND VERIFICATION



GERECHTIGKEIT MUSS SEIN

■ This service is possible thanks to your AK contribution

Your rights to control and verify your utility bill

You do not have to worry about high operating costs – you can also check them. At least when a hefty additional payment appears at the annual settlement, raises the question for homeowners and tenants: What rights do I have to control and review?

Except for fuel, the cost of living has not become cheaper in recent years. Everyday goods remain a price driver. And living in Salzburg is traditionally rather expensive. It is all the more important to look at inevitable expenses that everything fits – as in the case of operating costs.

The settlements are often difficult for laymen to understand. Individual items appear inexplicably high, prescriptions or additional payments make perplexing: Here, the consumer advice of AK Salzburg helps the tenants and homeowners. We bring light into operating costs - dark. And if claims are actually unjustified, those affected get their money back.

Reporting requirements

Apartment owners, such as tenants, are entitled to billing and inspection of the supporting documents in order to be able to check whether there are also invoices for the specified positions.

The settlement of the condominium manager with the condominium owner must be orderly and correct. This billing must be more accurate than that of the landlord to the tenant.

Apartment owners should also see the bank statements of the reserve account or account for the running costs in controlling the annual statement.

Landlords must settle in such a way that the main tenants get an idea of what repayment claims or back payments have arisen from the comparison of the paid flat rates and the effectively accrued operating costs. The billing must be clear and contain a list of expenditure items.

Timing

The settlement must always be placed no later than June 30 of the following year. The monthly lump sums can be adjusted to the last billing, with an increase in cooperative housing and housing covered by the Austrian Act on Tenancy Law may amount to a maximum of 10%.

Attention Tenants of non-profit building associations must raise reasonable objections within six months of the date of invoicing, otherwise the billing is deemed to have been checked and accepted.

What are the operating costs?

The operating costs that can be charged to the tenants and apartment owners include the following expenses:

- Water costs
- Waste water costs (sewer)
- Chimney sweep
- Garbage removal
- Pest control
- Lighting of the general parts of the house (e.g. stairwell and courtyard lighting)
- Adequate insurance (insurance against fire, liability and tap water damage; insurance against other damages only if the majority of the tenants, calculated on the number of rental objects, has agreed to the conclusion, renewal or modification of such an insurance contract)
- Administrative expenses
- Reasonable costs of home care / caretaker costs
- Public charges (e.g. land tax)
- Special expenses for community facilities (e.g. lift costs, communal laundries, etc.) and green spaces; energy costs of communal facilities (such as laundry rooms) can be collected by coin-operated machines (or otherwise in flat-rate form).

In the case of owner-occupied housing, additional costs may be charged in the annual statement because owners have to bear proportionately all the current expenses for the property.

Administrative expenses

Non-profit building associations are subject to the rules set by ordinance:

	Residential property	Rental
as of 1.4.2017	€ 277,27	€ 225,21
as of 1.4.2018	€ 283,08	€ 229,92

For rental apartments that are fully protected by the Austrian Act on Tenancy Law, the administrative costs as of 1 February 2018 are € 3.60 per m² net. Otherwise, no maximum rates apply to rental and condominiums, but agreements can be made on the amount of the respective administrative fee.

Inspection of the supporting documents

The first step in verifying the annual statement is to see the evidence on the basis of which the statement was created.

In any case, you should make use of this right of disclosure to check the submitted billing. The supporting documents must be issued at a suitable place. The inspection must therefore be possible at least in the premises of the property management during normal opening hours. Upon request, copies of the supporting documents must be handed out against reimbursement of expenses. If due to modern EDP technology, some landlords or the property management only vouchers on data carriers, an inspection of the printout of the documents must be possible for free.

IN THIS FOLDER YOU WILL KNOW HOW TO SETTLE THE OPERATING COSTS.