

Fees and charges



As a home owner in a residential land lease community you have rights under the *Residential (Land Lease) Communities Act 2013* and *Residential (Land Lease) Communities Regulation 2015*.

This factsheet explains the law in NSW regarding fees and charges.

The only fees and charges that an operator can require or receive from a home owner in connection with occupation of a residential site or the use of any facilities in the community are:

- site fees
- the cost of registering or recording a site agreement under the *Real Property Act 1900* if any fixed term exceeds 3 years
- a refundable deposit for a key or opening device to access the community
- other fees and charges or deposits required or permitted by the Act or regulations

Site fees

Your site agreement sets out the site fees payable at the start of the agreement plus when and how they should be paid. The operator cannot require you to pay site fees more than two weeks in advance.

Your site fees can only be increased according to the Act.

Electricity and mains gas

You are required to pay for electricity and gas that you use if it is a term of your agreement and the supply is separately measured or metered.

The operator must provide you with an itemised account, and give you at least 21 days to pay. The operator must provide you with a receipt if you pay in person or if you ask for one.

You can also be required to pay a service availability charge (sometimes called an access charge) for electricity and gas. The availability charge for electricity will vary according to how many amps you are supplied with.

Water

You are required to pay for the water you use if it is a term of your agreement and your use is separately measured or metered.

The operator must provide you with an itemised account, and give you at least 21 days to pay. They must provide you with a receipt for payment if you pay in person or if you ask for one.

You can also be required to pay a combined service availability charge (access charge) for water and sewerage. The availability charge must be the lesser of:

- the service availability charged billed to the operator by the service provider divided by the total number of sites in the park (including vacant and holiday sites), or
- \$50 per year

Sewerage

If you have signed a new site agreement since the commencement of the *Residential (Land Lease) Communities Act 2013* (1 November 2015) the operator can charge you for sewerage usage based on the amount of water used at your site.

Late fees for utility charges

If you have signed a new site agreement since 1 November 2015 the operator can charge a fee for a late or dishonoured payment for a utility charge. The fee cannot be more than what would be charged by the local utility service provider or regulated offer retailer (e.g. Origin energy) if they were supplying your home directly.

Keys or other opening devices

The operator can charge a refundable deposit of up to \$25 for each key or opening device.

What the operator must pay

The operator is required to pay all rates, taxes and charges payable in connection with the site except charges that are payable by you such as water, electricity and gas as described above.

Disputes about fees and charges

Disputes about fees and charges can be taken to the NSW Civil and Administrative Tribunal (NCAT). The application has to be made within 28 days of the dispute.

For more information on electricity, water and sewerage charges see our factsheets available at thenoticeboard.org.au or call your local Tenants Advice and Advocacy Service.

This factsheet is intended as a guide to the law and should not be used as a substitute for legal advice. It applies to people who live in, or are affected by the law as it applies in New South Wales, Australia.

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FURTHER HELP:

Tenants Advice and Advocacy Services

Sydney

South	9787 4679
South West	4628 1678
West	8833 0933
Northern	8198 8650

Regional

Blue Mountains	4704 0201
Central Coast	4353 5515
Hunter	4969 7666
Illawarra & South Coast	4274 3475
Mid Coast	6583 9866
Northern Rivers	6621 1022
North West NSW	1800 836 268
South West NSW	1300 483 786

Aboriginal

Sydney	9833 3314
North NSW	1800 248 913
South NSW	1800 672 185
West NSW	6884 0969

Website	thenoticeboard.org.au
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Law Access	1300 888 529
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Fair Trading	13 32 20
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Find Legal Answers	www.legalanswers.sl.nsw.gov.au
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