

Tenants in land lease communities

Rights and responsibilities



As a tenant in a residential land lease community (residential or caravan park) you have rights and obligations under the *Residential (Land Lease) Communities Act 2013* and *Residential Tenancies Act 2010*.

This factsheet explains some of your rights and obligations under the law in NSW.

Tenants who rent a home in a residential land lease community (previously called a residential or caravan park) have rights and obligations under both the *Residential (Land Lease) Communities Act 2013* and the *Residential Tenancies Act 2010*.

The laws apply whether you rent your home from the operator of the community, or another person who owns the home. They also apply regardless of whether you have a written or verbal tenancy agreement.

The *Residential (Land Lease) Communities Act 2013* and *Residential Tenancies Act 2010* do not apply if you are renting a home in a residential community for a holiday.

Your rights when moving in

When you move into a home in a land lease community you have the following rights:

- to be given a copy of the residential tenancy agreement, which is a legally binding contract
- to be given a condition report filled in by the landlord
- to be required to pay no more than 2 weeks rent in advance
- to have any bond you pay to your landlord lodged with NSW Fair Trading. The bond cannot be for more than 4 weeks rent

- to be given your home, including any outdoor space, in a clean and reasonable condition.

Your responsibilities when moving in

You must give the landlord a copy of the condition report with your comments within 7 days of the start of the tenancy. The condition report is important evidence if there is a dispute about the bond at the end of the agreement.

Your rights during the tenancy

During your tenancy you have the right to:

- be given receipts if you pay your rent in person or by cheque
- have quiet enjoyment of the premises
- have reasonable safety and security
- have necessary repairs carried out in a reasonable time
- be given notice when the landlord wants to visit.
- be given 60 days written notice of a rent increase. You can challenge a rent increase if you think it is excessive by making an application to the NSW Civil and Administrative Tribunal (NCAT) within 30 days of receiving the rent increase notice.

Your responsibilities during the tenancy

During your tenancy you must:

- pay your rent on time
- care for the premises
- report the need for any repairs or maintenance
- pay electricity and gas bills if the premises are separately metered
- pay water bills if the premises are separately metered and the premises have been fitted with water efficiency measures
- not alter or make additions to the premises without the landlord's written permission
- not change any locks without the landlord's written permission
- not interfere with the peace, comfort or privacy of your neighbours
- not use the premises for illegal purposes
- ask the landlord's written permission before you make any changes to tenancy arrangements, for example sub-letting or transferring your tenancy to another person.
- abide by the community rules. You must also ensure that any occupants living with you and your visitors comply with the rules.

The NSW Civil and Administrative Tribunal

NCAT hears disputes between landlords and tenants. If you and your landlord cannot resolve an issue you may be able to apply to NCAT for an order to enforce your rights. Time limits apply to applications so don't delay.

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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