

Outasite Lite



Russell Miller & Julie Lee – December 2020

THE LONG ROAD

2020 was a tough year for most people, including staff at the Tenants' Union. We all went through lockdown, faced travel restrictions, were separated from family, unable to attend important events and had to adapt to new practices to carry out our work. Finally, in December the Tenants' Union was able to get out and about again and connect with services and residents. We went to Albury to deliver training to Tenant Advocates at the South West NSW Tenants Advice and Advocacy Service, and we also visited land lease communities at Corowa and Howlong.

Rivergum Holiday Park at Corowa is a small community with about 45 residents including

Bob Myles who was one of the first home owners to take an electricity dispute to the Tribunal under the *Residential (Land Lease) Communities Act* (the Act). In February 2017 the Tribunal made an order that the operator was to provide Mr Myles with copies of their electricity accounts so that he could check whether or not he was being overcharged. It was this decision that was later cited by a number of other home owners who were seeking access to their operator's accounts under section 83 of the Act.

Despite being the first home owner to apply to the Tribunal, Mr Myles had to wait until November 2018 for the decision that he had

been overcharged for electricity and was entitled to a refund. Mr Myles was the only home owner from Rivergum to take the dispute to the Tribunal however, in February 2019 the operator changed the way they calculated electricity charges for all home owners and further refunds were issued.

In January 2020 another home owner at Rivergum, Russell Miller, contacted the Tenants' Union with a concern that the operator was still overcharging for electricity. With the assistance of the Tenants' Union and local Tenants Service Mr Miller and Mr Myles made applications to the Tribunal regarding their electricity charges. The Tribunal found they were being overcharged and ordered refunds for both home owners.

Mr Miller then assisted nine other home owners to make Tribunal applications and in November 2020 the Tribunal made orders awarding refunds to all of the applicants.

When Julie Lee (Tenants' Union), Rebecca Bryant and Lauren Richter (Tenant Advocates) met with the home owners from Rivergum,

Russell presented Julie with a donation of \$500 for the Tenants' Union in appreciation of the assistance provided to home owners. Julie was moved by the generosity of the Rivergum residents who chipped in to provide the donation. Julie said "All services provided by the Tenants' Union are free but it's really lovely that Rivergum residents chose to acknowledge our assistance in this way. We are lucky to work with such a great group of people and very thankful for the donation."

The Tenants' Union would like to take this opportunity to thank all of the other residents and resident organisations who have also made donations. Your contributions help us to keep providing advice, information, resources and assistance to those who need it.

The Tenants' Union also visited Kismet Riverside Lodge in Howlong where we were given a tour of the community by Ron Groves. Ron is currently facing termination of his site agreement because his home is on a short-term site. The Tenants Service



Home owners from Rivergum Holiday Retreat with Tenant Advocates from the South West NSW Tenants Advice and Advocacy Service

and Tenants' Union have been assisting Mr Groves for the past couple of years and it was great to finally meet him in person, despite the difficult circumstances that brought us together.

KNV APPEAL UPDATE

On 13 November 2020, Liesl Tesch, MP and Member for Gosford made a Private Members Statement in the NSW Parliament regarding Kincumber Nautical Village (KNV). Ms Tesch had become aware of the dispute regarding the fixed method site fee increase which she said "appears as a disappointing abuse of power and disrespect of residents and the NSW Civil and Administrative Tribunal [NCAT] by the owner". Ms Tesch commended the action of the residents, Bob Morris (who is representing the residents), the residents' committee and the Tenants' Union for supporting residents through their disputes.

In the last issue of Outasite Lite we reported that the operator had asked the Appeal Panel to transfer the dispute to the Supreme Court of NSW, which Ms Tesch noted was not an affordable option for the residents, many of whom are struggling to pay their week to week fees and ongoing living costs. The Tenants' Union assisted Mr Morris with submissions to the Appeal Panel and on 10 December a decision was made on the papers (without a hearing). The Appeal Panel declined to refer the dispute to the Supreme Court, which is great news for the home owners. You can read the decision of the Appeal Panel here: <https://www.caselaw.nsw.gov.au/decision/17645917632bd0019bald091>

The Appeal has been set down for hearing on 25 March 2021. Bob Morris continues as the home owners' representative with assistance from the Tenants' Union.

Phone: 02 8117 3700
Email: contact@tenantsunion.org.au
Website: tenants.org.au/thenoticeboard
Address: Suite 201, 55 Holt St, Surry Hills NSW 2010

Copyright: of *Outasite Lite* remains with the TU and contributors.
Disclaimer: Legal information in this newsletter is intended as 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.

Free advice from local services:

Tenants Advice and Advocacy Services

Eastern Sydney	9386 9147
Inner Sydney	9698 5975
Inner West Sydney	9559 2899
Northern Sydney	9559 2899
Southern Sydney	9787 4679
South Western Sydney	4628 1678
Western Sydney	8833 0933
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 Western NSW	1800 836 268
South Western NSW	1300 483 786

Aboriginal Tenants Advice and Advocacy Services

Greater Sydney	9833 3314
Western NSW	6881 5700
Southern NSW	1800 672 185
Northern NSW	1800 248 913



Views expressed by contributors are not necessarily held by the Tenants' Union.

Subscriptions: *Outasite Lite* is a free publication published by the Tenants' Union of NSW. To update your details or add someone to the mailing list please call or email.

Outasite Lite editor: Leo Patterson Ross