

Park residents in New South Wales have rights under the *Residential Parks Act 1998* and the *Residential Parks Regulation 2006*. This factsheet sets out the law in NSW regarding your rent and how it may be paid.

### **Your Agreement**

New residents who purchase a dwelling may be given a brand new Residential Site Agreement, or in the case of a pre-loved dwelling, the vendor's Residential Site Agreement may be transferred, or assigned, to you. Residents who are renting both the site and the dwelling are party to a Residential Tenancy Agreement and not a Residential Site Agreement. In either case, all agreements contain prescribed clauses that relate to the amount of rent payable, the frequency at which the rent is to be paid, and the method or methods by which the rent is to be paid.

Your agreement is a contract, and none of the clauses contained in your agreement can be altered or modified in any way unless both parties agree to the alteration, or unless the law allows for such changes. An example of a legally allowed modification where the consent of both parties is not required is when the park owner issues a rent increase notice in accordance with the requirements of the *Residential Parks Act 1998*.

For example, an agreement may stipulate that the rent is \$100 per week, payable on the Friday of every fortnight, by cash payments at the office.

Older Agreements may contain a payment method that is no longer viable. An example of this is payment of rent by personal cheque which can take more than a week to clear. While this method may suit a resident, administrative costs may have increased over time to such an extent that an alternative method may be necessary.

Similarly, it may suit a park owner to have all residents pay their rent via Direct Debit, but some residents who do not have this method written into their agreement may be very reluctant to give such control of their bank accounts to the park owner.

### **Direct Debits**

*Direct Debits* are account transactions in which rent and utility payments are automatically debited from the resident's bank account by the park owner's financial institution. *Periodical payments* refer to payments made by the resident's financial institution to the park owner's. Residents have no control over the amount or frequency of direct debits, and park owners have no control over periodical payments. Direct debits are used to deduct rent increases from the commencement date, and utility invoices on their due date, regardless of whether or not a Resident agrees with the charges.

It is not a breach of your agreement to refuse to consent to a payment method that is not already included in your agreement. A park owner cannot force a resident to agree to such an alteration, and a park owner cannot make such an alteration without the consent of the resident.

For further advice on rent payment methods, please contact your local affiliate or contact ARPRA on **1300 798 399**. More advice is also available from NSW Fair Trading on **133 220**.

[www.arpra.org.au](http://www.arpra.org.au)

[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)

This factsheet has been written to provide a brief summary of the laws in New South Wales. It should not be considered to be a full reading of the Act or be used as a substitute for legal advice.