

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 how your rent may be increased and how you may respond.

Rent Increase Notices

Your park owner may decide to increase your rent. To do this, they must first serve you with written notice of the increase, giving you no less than 60 days' notice. The notice must be served either by mail or by hand. Leaving it under your door or in your letterbox is not legally acceptable. If the notice has been mailed, the park owner should add a further 4 working days to allow for postal delivery.

The notice must show what the new rent will be, and the day from which the new rent will be payable. If you are still in a fixed term agreement, your rent can only be increased if that agreement contains an additional term that shows the date of the increase, and either the amount of the increase, or a method of calculating it. Even if the agreement contains such an additional term, a separate 60-day notice is still required.

There is no limit to the number of rent increases that can be served in any year, apart from the 60 days' notice each one requires.

You are not required to pay the increase unless you have been given the correct notice.

Excessive Rent Increases

If you think the rent increase is too high, you have a couple of options available. You can first try to negotiate a lower increase amount with your park owner. If the negotiations are successful, the new, lower increase will start on the same day as specified in the increase notice.

A rent increase that is equal to or less than any increase in the Sydney CPI since the rent was last set, cannot be determined to be excessive unless there has been a withdrawal in services or facilities provided under your agreement.

If negotiations are unsuccessful, you can apply to the Civil & Administrative Tribunal for an order that the rent increase is excessive.

The Civil & Administrative Tribunal

As the applicant, it is your job to convince the Tribunal that the rent increase is excessive. The *Residential Parks Act 1998* provides a list of criteria for you to follow. This list includes such things as the rent in other parks in your area, other rent levels in your park, how much previous increases have been, and how much the park owner's outgoings have gone up since the last increase. The Tribunal does not take into account your income or your ability to afford the increase.

If the Tribunal finds the rent increase is excessive, it will make an excessive rent order. This order will state what the rent increase amount will be, if any; and the length of time the rent is to stay at this level, to a maximum of 12 months.

For further advice on how to prepare a rent increase case for a Tribunal hearing, 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

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.