

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 repairs and maintenance in a park.

Responsibilities.

If you own your own dwelling and rent the site, you have an obligation to maintain your own home, and to keep the site reasonably clean. This includes all improvements, such as garden sheds, carports, verandahs, driveways, clotheslines and garden beds. The park owner must ensure that everything provided with the residential site for use by the resident, and the common areas of the residential park, are reasonably clean and fit to live in or use. Common areas include such items as the roads in the park, the lighting, and the facilities such as laundry, swimming pool and community hall.

The park owner is also responsible for maintaining the supply of utilities to each site. Water and electricity meters remain the property of the park owner. Any failure or breakdown of the water, gas or electricity supply that has been caused by a fault lying between the meter and the dwelling is the responsibility of the resident. Responsibility for any failure from the meter outwards lies with the park owner. This is in relation to wiring or pipes that connect directly to your home. Infrastructure remains the responsibility of the park owner, no matter where it lies. For example, the park owner is obligated to repair a burst water pipe located on your site if that water pipe is part of the park's infrastructure, and not exclusively linked to your home.

If you rent both the dwelling and the site from the park owner, then the park owner is responsible for maintaining and repairing the dwelling as well as the site and the common areas.

Enforcement.

When you become aware that a repair is required, you must first determine who is responsible. If the park owner is required to perform work to affect a repair, then your next step is to ensure the park owner is made aware of the fault, and the need for a repair. All requests for maintenance or repairs should be in writing, addressed to either the park owner or the manager. Such a request should include –

- the date the letter is written;
- your name and site number;
- information relating to the repair required; and
- a request for the repair to be attended to by a certain date. How long you give the park owner to do the work will depend in large part on the urgency of the repair.
- a statement that if the work is not done by the date requested, you may apply to the Consumer, Trader and Tenancy Tribunal for resolution.

Do not give the park owner a repair request without keeping a copy. Such correspondence may be required as evidence, should a Tribunal application be necessary.

For further advice on how to get repairs done, 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.