



Affiliated Residential Park Residents Association Inc.

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Factsheet

## Services & Facilities

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 the services and facilities that have been provided for your use in the park, and whose responsibility it is to maintain them.

### Services

The term 'service' or 'services' may refer to utilities such as water or electricity, or it may be in relation to waste disposal or tree maintenance. If the utilities are not separately metered, then water, electricity and gas charges will be part of what a resident pays for when they pay their rent. Rent charges also include lawn mowing of the site, for example, or pool cleaning. If at any time one of these services is removed or reduced, the removal or reduction is referred to as a reduction or withdrawal of that service, and is a breach of your agreement.

The installation of a separate water meter on a residential site and the subsequent charging for water usage and availability is taken to be a reduction in service for which a resident may be entitled to a rent reduction.

### Facilities

Almost all residential parks have something in the way of facilities that are provided for the residents' use. They might include a community hall, bowling green, swimming pool, barbecue area or a tennis court. These are referred to as common areas, and it is the park owner's responsibility to keep the common areas of the park reasonably clean and fit to use. If the park owner decides to close the swimming pool completely, or to close it between certain hours when previously residents had access, then this would be a withdrawal or reduction in facility.

### Withdrawal or reduction of service or facility

If a resident believes that a service or facility has been withdrawn or reduced, they should write a letter to the park owner outlining the breach and asking for the service to be reinstated. If the park owner refuses, the resident may then apply to the Tribunal for an order reinstating the service. The resident may also ask for a rent reduction until such time as the service is resumed or reinstated. Depending on the service that has been withdrawn, the reduction in rent awarded can be minimal when compared to the disruption the withdrawal has caused.

The access roads and storm drains within a park are part of the common area, and it remains the responsibility of the park owner to maintain and repair them. The roads are a facility provided for use by the residents, but the work done to maintain and repair them would be classified as a service.

For further information on service and facilities, including what to do if you believe a breach of your agreement has occurred, 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.