



PAYING YOUR SITE FEES



fact sheet

Home owners in New South Wales have rights under the *Residential (Land Lease) Communities Act 2013* and the *Residential (Land Lease) Communities Regulation 2015*. This fact sheet sets out the law in NSW regarding your site fee and how it may be paid.

Your Agreement

New home owners who purchase a dwelling may be given a brand new Residential Site Agreement. Home owners 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 site fees payable, the frequency at which the site fee is to be paid, and the method or methods by which the site fee 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 community owner issues a site fee increase notice in accordance with the requirements of the *Residential (Land Lease) Communities Act 2013*.

For example, an agreement may stipulate that the site fee 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 site fee by personal cheque which can take more than a week to clear. While this method may suit a home owner, administrative costs may have increased over time to such an extent that an alternative method may be necessary.

A community operator must permit the home owner to pay the site fees by at least one means for which the home owner does not incur a cost (other than bank fees or other account fees usually payable for the home owner's transactions) and that is reasonably available to the home owner.



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Direct Debits

Direct Debits are account transactions in which site fees and utility payments are automatically debited from the home owner's bank account by the community owner's financial institution. Periodical payments refer to payments made by the home owner's financial institution to the community owner's. Home owners have no control over the amount or frequency of direct debits, and community owners have no control over periodical payments. Direct debits are used to deduct site fee increases from the commencement date, and utility invoices on their due date, regardless of whether or not a home owner 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 community owner cannot force a home owner to agree to such an alteration, and a community owner cannot make such an alteration without the consent of the home owner.

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

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