



REPAIRS



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 repairs and maintenance in a community.

Responsibilities

If you own your own dwelling and lease 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 community owner must ensure that everything provided with the residential site for use by the home owner, and the common areas of the community, are reasonably clean and fit to live in or use. Common areas include such items as the roads in the community, the lighting, and the facilities such as laundry, swimming pool and community hall.

The community owner is also responsible for maintaining the supply of utilities to each site. Water and electricity meters remain the property

of the community 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 home owner. Responsibility for any failure from the meter outwards lies with the community owner. This is in relation to wiring or pipes that connect directly to your home. Infrastructure remains the responsibility of the community owner, no matter where it lies. For example, the community owner is obligated to repair a burst water pipe located on your site if that water pipe is part of the community's infrastructure, and not exclusively linked to your home.



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Enforcement

When you become aware that a repair is required, you must first determine who is responsible. If the community owner is required to perform work to affect a repair, then your next step is to ensure the community 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 community 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 community 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 Civil & Administrative Tribunal for resolution.

Do not give the community 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**.

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