



# SITE FEE INCREASES



## 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 how your site fee may be increased and how you may respond.

### Site Fee Increase Notices

Your community operator may decide to increase your site fee. There are a number of ways that the community operator can do this. Your site agreement may set out the method in which the site fee increases. There are two ways, either by a fixed method or by a notice.

#### Fixed Method

The site agreement may set out which fixed method the site fee increases by. However, the site agreement cannot set out an increase by more than one fixed method. If the agreement has more than one method, then the law says that the method to be used must be the one that results in the lower or lowest site fee increase. The method may be a fixed amount, e.g., \$5.00 per week, or by a fixed calculation, e.g., current site fee x 2.5%.

Under the fixed method, the community operator must give at least 14 days' written notice, and the notice must specify the amount of the increased site fees and how the site fee increase has been calculated, and specify the day on which the site fee will increase. Under this fixed method, the home owner cannot challenge the site fee increase because they have already agreed to it when commencing their tenancy.

#### Increase of Site Fees by Notice

Under this method, all home owners in the

same community that do not have a fixed method site fee increase agreement can be given a site fee increase by notice. However, the notice must be given to all home owners at the same time. The notice must specify the amount of the site fee increase, and specify the day on and from which the increased site fees are payable must include an explanation for the increase.

The site fee increase notice must also give no less than 60 days' notice of the increase, and there can only be one increase in site fees in any one twelve-month period.

Notices can be delivered in a variety of ways. Notices may be posted to the home owner or the home owner's agent, given personally to the home owner or a person at the site over the age of 16, left in the mailbox of the home owner, or, if the home owner has agreed to notices or documents being given by e-mail, to the e-mail address that the community operator has on file. You should make sure that if you change your e-mail address that you update your address with the community operator.

For further advice on site fee increases, 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)

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