



STARTING A TENANCY



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 provides information on starting a tenancy in a Residential (Land Lease) Community in New South Wales.

Start-up Costs

The cost of preparing a Residential Tenancy Agreement, including a site agreement, is divided between the community owner and a home owner. The home owner cannot be asked to pay any more than \$15. If an agreement in excess of three years is intended to be registered under the *Real Property Act 1900*, you must pay the fee required under that Act, as well as the \$15. The current registration fee is \$99.50. You are not required to pay the community owner's legal or conveyancing fees accrued in the registration process.

Access Charges

If you need a boom gate key, or any other security device, to access the community, the maximum you can be asked to pay for it is \$25.

This is refundable if you ever have to hand it back in.

Cooling Off Period

A prospective home owner is covered by a 14-day cooling off period. You have 14 days after signing a Residential Site Agreement in which to rescind the agreement if, for any reason, you have changed your mind. The 14 days ends at midnight on the 14th day after signing the agreement.

If you move into the home during the cooling off period, the cooling off period then ends. The cooling off period also extends to a current home owner who sells their home and purchases a home from the community operator.



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Site Fees in Advance

You may be asked to pay some advanced site fees at the start of your tenancy. The community owner cannot ask for more than two weeks' site fees in advance. If you paid a reservation fee (no more than one weeks' site fee), it must be applied to your site fee ledger, and is included in the two weeks' advanced site fees you may pay.

Other Charges

Charges known as Site Premiums or similar, are illegal. Site agreements with brand new homes cannot include site development costs.

For further advice on what to expect when starting a tenancy, please contact your local affiliate, or contact ARPR 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