

Fact sheet

Charging for electricity and other services in a moveable dwelling park

The Residential Tenancies Authority (RTA) administers the *Residential Tenancies and Rooming Accommodation Act 2008* (the RTRA Act), which sets out the rules for renting a place to live in Queensland. The Act applies to *Moveable dwelling tenancy agreements* (Form 18b) for caravans, caravan sites, houseboats and rented manufactured homes.

Manufactured homes occupied by their owners are covered by the *Manufactured Homes (Residential Parks) Act 2003* which is administered by the Department of Communities, Housing and Digital Economy.

The RTRA Act covers short term moveable dwelling tenancies of up to 42 days and long term tenancies but does not apply to holiday lettings.

Charges, rates and levies on the land

The owner/manager is responsible for paying all charges, levies, premiums, rates or taxes payable for the land that is the park. Examples include land taxes, general rates and environmental levies. This does not prohibit the charging of GST on rents to tenants.

Prescribed services

Four prescribed services – electricity, water, reticulated gas and sewerage – are connected to the park in the name of the owner/manager of the park. The owner/manager has two options for passing on the cost of these services to tenants:

- to include the cost of the services with the rent, or
- to make a separate charge on top of the rent if the service is individually metered to the rented premises.

Separate service charges must be recorded at Item 13 of the tenancy agreement.

If the tenants' consumption of services is not individually metered, tenants then pay for these services as part of their rent. If a service that is included within the rent becomes unavailable because of the owner's/manager's action or failure to act, the rent should be reduced by the amount attributable to that service. In this case, the tenant is entitled to request and receive an itemised statement of how much of the rent is attributable to electricity, water, gas and sewerage charges.

On-supplying a prescribed service

The owner/manager is not allowed to make a profit when on-supplying services to tenants, or charge tenants for the cost of supplying or maintaining equipment, or for time and labour in reading meters.

Electricity

Charging by the meter

If a caravan or moveable dwelling park has electricity meters, the owner/manager must charge according to the meter. This is a requirement of the *Electricity Act 1994* and the *Electricity Regulation 2006*. The owner/manager should record the date and amount of each meter reading, the quantity of electricity used and the cost the tenant has to pay.

Taking an electricity bond

The maximum bond is 2 weeks rent. However, if the electricity is individually metered to the rented premises and provided in the owner/manager's name, then the bond can be 3 weeks rent. The owner/manager must provide the tenant with a receipt and lodge all bond, including the electricity bond, with the RTA within 10 days.

How much can be charged for electricity?

Under the *Electricity Act 1994*, if the rented premise has electricity meters, the owner/manager must charge according to the meter.

There are two ways the owner/manager can calculate electricity:

- calculate the average cost per unit and multiply this by the number of units recorded on the tenant's meter for that payment period.
- to calculate how much the tenant would have to pay if they were a direct customer of the supply authority (e.g. Origin).

Customers are encouraged to contact their electricity retailer for more information on tariffs.

Receipts for electricity

Receipts should be provided to the tenant and include:

- the address of the metered premises
- the date the meter was read
- the amount shown on the meter
- the number of units consumed by the tenant
- the amount of money received, and
- the name of the person who paid the money.

Overcharging for electricity

Overcharging for electricity is an offence under the *Electricity Act 1994* and is a breach of the tenancy agreement. If a tenant believes they have been overcharged for electricity, they should first discuss the situation with the owner/manager. If the issue is not resolved, the tenant can give the owner/manager a *Notice to remedy breach* (Form 11), stating the amount of the over-charge and asking for a refund. The tenant must give the owner/manager at least seven days to refund the money.

If the owner/manager does not agree that they have overcharged the tenant, they may discuss the matter with the tenant. If an agreement cannot be reached, either party can request free dispute resolution via RTA Web Services or by submitting a paper *Dispute resolution request* (Form 16) to the RTA. If an agreement still cannot be reached, either party can apply to the Queensland Civil and Administrative Tribunal (QCAT) for a decision on the matter.

Unpaid electricity bills

A tenant has one month from the time of receiving the details of the meter reading to pay the amount owing for electricity. If the account or invoice remains unpaid after the month has passed, the owner/manager can give the tenant a *Notice to remedy breach* (Form 11), allowing at least seven clear days for the tenant to pay and remedy the breach.

If the tenant still hasn't paid by the end of the remedy period, the owner/manager has two choices. They may talk to the tenant and pursue a solution, or they may end the tenancy and recover the outstanding debt from the bond money. The owner/manager must use a *Notice to leave* (Form 12), allowing two clear days to hand over vacant possession of the premises. As soon as the tenancy is

ended, the owner/manager can lodge a bond refund request via Web Services or complete a paper *Refund of rental bond* (Form 4) and claim against the bond money for the unpaid electricity bill.

In the first instance, the owner/manager should try to resolve the situation by speaking directly with the tenant. If that fails, the owner/manager can request tenancy dispute resolution online or via a paper *Dispute resolution request* (Form 16) to try and reach an agreement about the unpaid electricity bill.

Further information

For more information about caravan park tenancies, contact the Residential Tenancies Authority on 1300 366 311.

For more information about manufactured home agreements, contact the Department of Communities, Housing and Digital Economy on 13 QGOV (13 74 68).

Accessing RTA forms

The RTA's forms can be completed online, obtained electronically or in person at:

- rta.qld.gov.au
- 1300 366 311
- Level 11, Midtown Centre, 150 Mary Street, Brisbane.



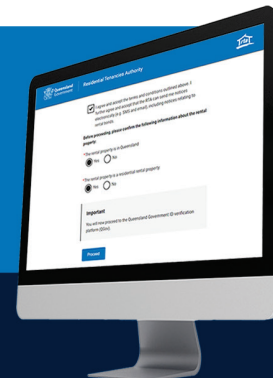
If you need interpreting assistance to help you understand this information, contact TIS on 13 14 50 (for the cost of a local call) and ask to speak to the Residential Tenancies Authority (RTA).

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Use RTA Web Services to lodge or refund a bond, change bond contributors, update your details and more.

rta.qld.gov.au/webservices

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for everyone



Disclaimer

This fact sheet is prepared for information only. The Residential Tenancies and Rooming Accommodation Act 2008 is the primary source on the law and takes precedence over this information should there be any inconsistency between the Act and this fact sheet.