

Water Usage Charges

March 22, 2019

RTO 91513

Water usage charges for tenants are an issue for property managers on a daily basis and in some cases the problem comes from the landlord being unaware that there are quite strict and clear rules regarding the charging of water usage under the Residential Tenancies Act 2010. Section 39 states:

39: Water usage charges payable by tenant

1. A tenant must pay the water usage charges for the residential premises, but only if:
 - the premises are separately metered or the premises are not connected to a water supply service and water is delivered to the premises by vehicle, and
 - the premises contain water efficiency measures prescribed by the regulations for the purposes of this section, and
 - the charges do not exceed the amount payable by the landlord for water used by the tenant.
2. A tenant is not required to pay the water usage charges unless the landlord gives the tenant a copy of the part of the water supply authority's bill setting out the charges, or other evidence of the cost of water used by the tenant.
3. A landlord must give the tenant not less than 21 days to pay the water usage charges.
4. A tenant is not required to pay the water usage charges if the landlord fails to request payment from the tenant within 3 months of the issue of the bill for those charges by the water supply authority.
5. Subsection (4) does not prevent a landlord from taking action to recover an amount of water usage charges later than 3 months after the issue of a bill for those charges, if the landlord first sought payment of the amount within 3 months after the issue of the bill.
6. A landlord must ensure that the tenant receives the benefit of, or an amount equivalent to, any rebate received by the landlord in respect of any water usage charges payable or paid by the tenant.
7. Note: Tenants under social housing tenancy agreements may be subject to different provisions in relation to the payment of charges for water usage (see Division 3 of Part 7).
8. This section is a term of every residential tenancy agreement.

The term “separately metered” causes some confusion for landlords with properties like granny flats or multiple dwellings and the Residential Tenancies Amendment Review assists in the clarification:

Separately metered means that there is, in respect of residential premises, a meter:

- A. that satisfies an Australian Standard prescribed by the regulations dealing with electrical, gas, oil or water metering equipment, and
- B. that has been installed in accordance with the manufacturers instructions for installation or industry practice, and
- C. that measures the quantity of electricity, gas, oil or water that is supplied to, or used at, only those residential premises, and
- D. that enables a separate bill to be issued by the supplier for all charges for the supply, and use of the electricity, gas, oil or water at those residential premises, and...

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Let's look again at s39(2) - A tenant is not required to pay the water usage unless the landlord gives the tenant a copy of the water supply authority's bill setting out the charges, or other evidence of the cost of water used by the tenant.

The clear understanding of this subsection is that for the tenant to be required to pay the water usage they need to be given a copy of the water authority's bill, not just some calculation that the landlord has done due to a meter reading they have obtained from the Bunnings meter reader they have installed.

Further to the separate meter, is the requirement for water saving devices to be installed. This requirement came into place with the 2010 Act and landlords had an implementation period to install those water saving devices. These devices have been further defined and clarified under the Residential Tenancies Regulation 2010 as the following:

11: Water efficiency measures required for payment of usage charges by tenants: s 39(1)(b) of Act

The prescribed water efficiency measures that residential premises are required to contain before a tenant can be required to pay water usage charges for the premises are as follows:

- A. all showerheads on the premises must have a maximum flow rate of 9 litres per minute,
- B. all internal cold water taps and single mixer taps for kitchen sinks or bathroom hand basins on the premises must have a maximum flow rate of 9 litres per minute,
- C. there must be no leaking taps on the premises at the commencement of the residential tenancy agreement or when the water efficiency measures are installed, whichever is the later.

Note: Taps and showerheads having a maximum flow rate of 9 litres per minute have a 3 star water efficiency rating.

To ensure your landlords are able to charge water usage charges it is imperative that the requirements of the Residential Tenancies Act are followed.

'Til next time,

Wishing you every success in your business ventures,

Rosy

4 HOUR CPD Seminars

WED 27 TH MAR	DUBBO Stock & Station	THU 11 TH APR	SYDNEY CBD Real Estate Sales
WED 27 TH MAR	DUBBO Sales & Prop Mgmt	THU 11 TH APR	SYDNEY CBD Property Management
WED 3 RD APR	SYDNEY CBD Business Broking	FRI 12 TH APR	SYDNEY CBD Comm & Retail Sales & Leasing
THU 4 TH APR	TAMWORTH Stock & Station	FRI 12 TH APR	GOSFORD Sales & Prop Mgmt
THU 4 TH APR	TAMWORTH Sales & Prop Mgmt	WED 17 TH APR	DEE WHY Sales & Prop Mgmt

2 HOUR CPD Seminars (8am - 10am unless specified otherwise). Pre-reading required

Full 12 points!!

FRI 29 TH MAR	SYDNEY CBD Sales & Prop Mgmt	WED 10 TH APR	BANKSTOWN Sales & Prop Mgmt
THUR 4 TH APR	WOLLONGONG Sales & Prop Mgmt	TUE 16 TH APR	SYDNEY CBD (<i>Evening Course</i>) Sales & Prop Mgmt
FRI 5 TH APR	CASTLE HILL Sales & Prop Mgmt	THUR 18 TH APR	PARRAMATTA Sales & Prop Mgmt



From the office

Cheers to another fortnight here at ACOP. Our trainers have been out and about New South Wales providing students with CPD training regarding current knowledge in relation to industry legislative changes as well as the proposed reforms. The trainers have travelled near and far to provide their training venturing from Griffith, Wagga Wagga, Gosford, Liverpool, Castle Hill, Tamworth, Bathurst and back to the Sydney CBD. The College would also like to welcome the fresh faces who attended our Certificate of Registration course here at ACOP head office. It is always a great opportunity to get to know everyone who attended and from myself and the team here at ACOP, we wish them the very best with their first steps into the real estate industry.

These past two weeks we have also seen Rosy travel to numerous locations as a guest speaker within the EAC Insight Tour. Rosy presented sessions at the EAC Insights seminars at Sydney CBD, Parramatta and Tamworth in the past fortnight, providing her in-depth knowledge on legislative changes as well as looking at emotional intelligence from a business success perspective. Not only has Rosy been busy, so too have our trainers within the College who have been at full speed conducting our Strata Management Agency Practices licensing course followed with our Trust Accounting and Insurance course for those students looking to pursue their careers within Strata Management.

Although we are all busy with providing training, you may know from previous newsletters that there is always room for cake! Speaking of cake, myself and the team would like to take this very special moment to wish our amazing College Principal Rosy Sullivan a very happy (let's say 21st) birthday. The College has a lot to thank Rosy for, especially for bringing a smile to everyone's face with your charisma and incredibly hilarious jokes. To set the scene for those who weren't here, Rosy spent her actual birthday in Tamworth providing training which gave us time here at ACOP to prepare for her arrival the next day. We spent the day blowing up colossal balloons, putting together intricate decorations and topping it all off with streamers which we had placed on her desk. Whilst the decorations were being prepared, Rachele - our Operations Manager, worked her magic and created a three layered Ice cream cake from scratch topped with fresh raspberries, strawberries and an unthinkable amount of chocolate honeycomb. The next day was spent alongside Rosy cleaning up the fun mess we all had made and eating cake before getting back into a hard working afternoon. Not to be outdone, our media and marketing consultant, Linh from Result Media, arrived in the office with her assistant (12 month old Harrison) with a box of Sparkle Cupcakes (each with a different photo of Rosy on top) - now there's an event not to be missed in terms of eating cake!!!

Certificate of Registration Courses

Units taken from nationally accredited training qualifications from the CPP07 Property Services Training Package.

MON 1 ST WED 3 RD APR	PARRAMATTA
MON 8 TH WED 10 TH APR	SYDNEY CBD
MON 29 TH APR WED 1 ST MAY	CASTLE HILL
MON 13 TH WED 15 TH MAY	SYDNEY CBD
MON 3 RD WED 5 TH JUN	PARRAMATTA

Finance & Mortgage Broking Courses

Units taken from nationally accredited training qualifications from the FNS Financial Services Training Package.

WED 1 ST - FRI 3 RD MAY	SYDNEY CBD Cert IV in Finance & Mortgage Broking
WED 1 ST - TUE 7 TH MAY	SYDNEY CBD Dip of Finance & Mortgage Broking Management

Property Licence Courses

Units taken from nationally accredited training qualifications from the CPP07 Property Services Training Package.

23 RD - 24 TH APR	Financial Management PORT MACQUARIE
29 TH - 30 TH APR	Staff Management SYDNEY CBD
15 TH - 18 TH APR	Sales for Real Estate SYDNEY CBD
1 ST - 5 TH APR	Stock & Station Agency Practices SYDNEY CBD
20 TH - 23 RD MAY	Strata Management Agency Practices SYDNEY CBD
FRI 29 TH MAR	Real Estate Auctioneer Accreditation SYDNEY CBD

FRI 24 TH MAY	Trust Accounting + Insurance SYDNEY CBD
8 TH - 10 TH APR 6 TH - 8 TH MAY	Trust Accounting PARRAMATTA SYDNEY CBD
11 TH - 12 TH APR 1 ST , 2 ND , 3 RD APR	Property Management PARRAMATTA SYDNEY CBD EVENING (5.30PM - 8.30PM)
9 TH - 10 TH MAY	Business Broking Agency Practices SYDNEY CBD

View our course calendar for all course details.

Start 2019 with Success

With proposed reforms coming for the real estate and property industry, make 2019 the year that you get the qualification and obtain a full property licence.

ACOP provides licensing training programs, and will recognise your prior learning and experience, for the following licence categories:

- **real estate agent's licence**
- **strata manager's licence**
- **business agent's licence**
- **stock and station agent's licence**
- **buyer's agent's licence**
- **on-site residential property manager's licence**

If you are seeking Recognition of Prior Learning (RPL) or Recognition of Current Competence (RCC), talk to us about the types of evidence that you will need to provide to seek these exemptions from training.



1300 88 48 10

enquiries@acop.edu.au

www.acop.edu.au

Level 2, St Andrews House
Sydney, NSW 2000



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