

Fact sheet



Residential Tenancies Act 1994

Water Charging

New laws allow lessors (landlords) to pass on the full water consumption costs to tenants provided ALL the minimum criteria have been met.

What are the minimum criteria for water charging?

Lessors will be able to pass on the full water consumption costs to tenants if:

- the rental premises are individually metered (or water is delivered by vehicle), AND
- the rental premises are water efficient, AND
- the tenancy agreement states the tenant must pay for water consumption.

What is a water efficient rental premises?

Water efficient rental premises are where required internal cold water taps, showerheads and toilets meet the performance standards for a *3 star WELS rating or higher. These water efficiency levels may be achieved through installing 3 star WELS rated products or through the use of 'add on' devices, such as aerators or flow restrictors.

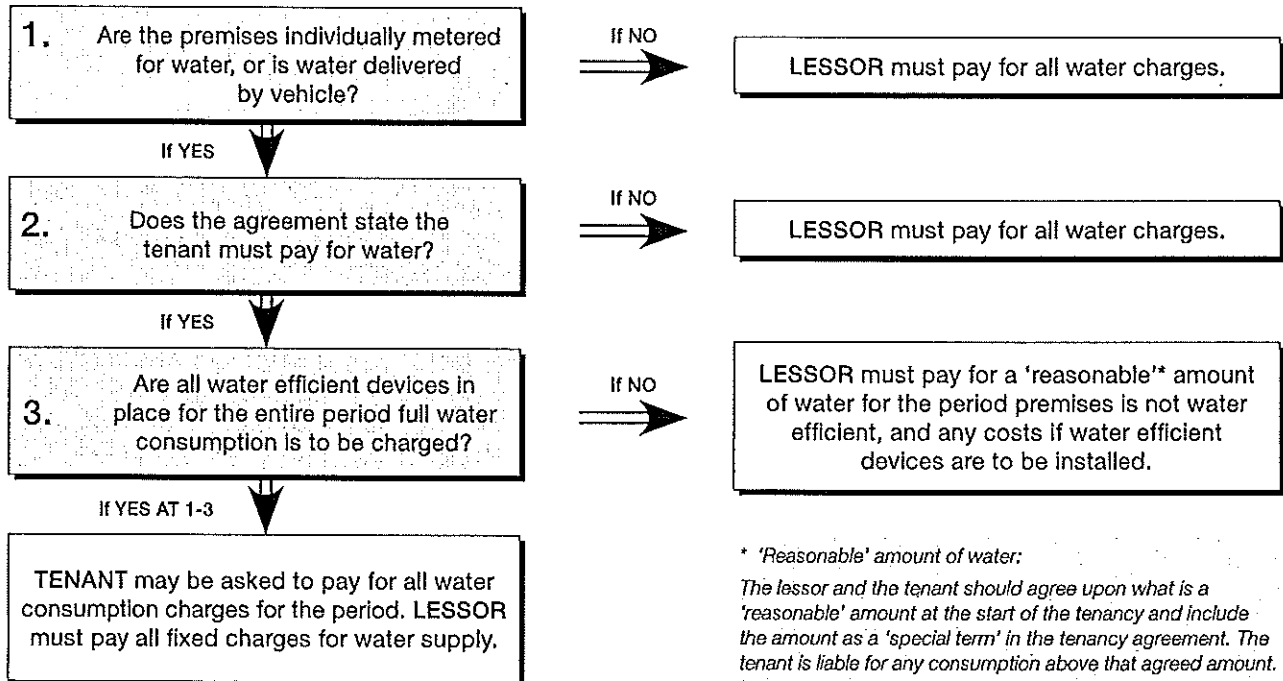
Water efficient devices	*Minimum water efficient standard required
<ul style="list-style-type: none"> • Internal cold water taps and single mixer taps (excluding bathtub taps and taps for appliances) 	Must have a maximum flow rate of 9 litres per minute.
<ul style="list-style-type: none"> • Showerheads 	Must have a maximum flow rate of 9 litres per minute.
<ul style="list-style-type: none"> • Toilets 	Must have a dual flush function that does not exceed 6.5 litres on full flush and 3.5 litres on half flush and has a maximum average flush volume of 4 litres (based on the average of 1 full flush and 4 half flushes).

*For more information about the WELS scheme visit www.waterrating.gov.au

When can a lessor start charging tenants once these criteria are met?

From 1 April 2008	<ul style="list-style-type: none"> • if tenants are currently on a periodic agreement. • if tenants sign a new agreement (fixed or periodic) on or after 1 April 2008. <p>Note: If the periodic agreement doesn't say the tenants are to pay for the water consumption, the lessor/agent cannot require the tenant to pay unless both parties sign any changes to the existing agreement or enter into a new agreement.</p>
From 1 April 2009 OR the expiry of the agreement, whichever occurs first	<ul style="list-style-type: none"> • if tenants are currently on a fixed term agreement signed before 1 April 2008. <p>Note: If the fixed term tenancy starts before 1 April 2008 lessors/agents cannot include a 'special term' to allow tenants to be charged for water from 1 April 2008. A new agreement will need to be made on or after 1 April 2008.</p>

Who pays for water in a rental premises?



* 'Reasonable' amount of water:

The lessor and the tenant should agree upon what is a 'reasonable' amount at the start of the tenancy and include the amount as a 'special term' in the tenancy agreement. The tenant is liable for any consumption above that agreed amount.

Important points to note:

- Tenants and lessors/agents should negotiate obligations at the start of the tenancy and put these in the tenancy agreement (for example, if the lessor is to contribute to water costs).
- It may be helpful to contact the local government (council) about average water consumption in the local area.
- Water billing periods are unlikely to align with tenancy agreements. It's important that both the tenant and the lessor/agent make a note of the water meter readings at the start and end of the tenancy (on the Entry and Exit Condition Reports) to help calculate water consumption.
- Tenants will not be billed directly by water supply authorities for water.
- Lessors will receive the water bill, pay for the full amount and should provide their tenants with a copy of any water bills or evidence of water consumption figures to verify the amount the tenant is to be charged.
- Tenants have one month in which to pay the agreed amount for water consumption after the lessor provides evidence of the costs to the tenant. The lessor/agent cannot require the tenant to pay more than the billable amount, or charge tenants late fees.
- If the tenant and lessor/agent cannot agree about water charges, the RTA's Dispute Resolution Service may be able to assist.

Lessors can access the Home Water Wise Service (SEQ only) www.homewaterwise.com, or Home and Garden Water Wise Rebates Scheme www.nrw.qld.gov.au. Water saving tips can be found on the Queensland Water Commission website www.qwc.qld.gov.au.

The *Residential Tenancies Act 1994* is the primary source material on the law and takes precedence over this Fact Sheet should there be any inconsistency between the Act and this Fact Sheet.

If you need interpreting assistance to help you understand the information on this Fact Sheet, please contact the Translating and Interpreting Service 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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