

## 2.5 Water Charges

### What are water charges?

There are two types of water charges:

- 1) Water rates - this is a service charge for the supply of water to and from the property.
- 2) Water consumption - this is a charge for the water used at the premises. (There is no free water allowance for any water bills.)

### Who is responsible for paying water rates?

The owner is liable for the water **rates** assessed on the property (*Residential Tenancies Act*, section 48), unless it is written into the tenancy agreement that the tenant must pay them. It is very unusual for the water rates to be paid by the tenant, and tenants can refuse (before signing the agreement) to agree that they will be responsible for the rates.

**The owner is usually responsible for paying water rates.**

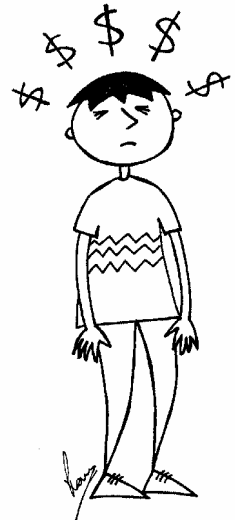
### Who is responsible for water consumption charges?

The Water Corporation always charges the owner for water used at rental premises. The owner is allowed to pass this cost on to the tenant. All tenancy agreements should have something written into them about who will pay water **consumption** costs.

If you have an existing tenancy agreement, you should check what you have agreed about the water. The agreement can be renegotiated during the tenancy but any changes should be recorded in writing.

If there is nothing written into your tenancy agreement about paying for water, then the amount you have to pay is negotiable. For example, you may be able to argue that you should only pay your own consumption costs but not the cost of watering the garden.

The owner can be penalised by the Water Corporation if the bill is not paid on time. In some cases this penalty may be passed on to the tenant. If you are being charged a penalty you should seek advice from the TAS Advice Line or refer to chapter [1.12 Community Contacts](#).



**The owner and/or the tenant may be responsible for paying water consumption costs; but the owner usually requires the tenant to pay all or some of the costs.**

## **Who is responsible for reading the water meter?**

The water meter should be read at the beginning of the tenancy and written on the tenancy agreement or the Property Condition Report. The Water Corporation should do this reading as it may save the tenant having to pay for water at a higher rate per litre.

When the Water Corporation does a special reading, the new tenant will be charged at a lower rate per kilolitre of consumption. This means that where there is more than one tenancy during a billing period, if the first tenant used a lot of water, it doesn't make any difference to the next tenant's water charges. But, if the Water Corporation does not do the meter reading, you may be charged at a higher rate.

**The Water Corporation should do the meter reading, otherwise you may be charged at a higher rate for your water consumption.**

There is a fee involved if you request the Water Corporation to do a meter reading (contact the Water Corporation for a current list of charges). You should ask the owner/agent who is going to pay this charge. If it is going to be your responsibility it should be written into your tenancy agreement. If it is not written into your tenancy agreement you may be able to argue that it is not something you have agreed to and therefore you don't have to pay.

If a reading has not been carried out by the Water Corporation then the owner/agent or the tenant can do the reading. Check that any reading done by the owner/agent is accurate. If you do a reading yourself, you should make a note of the reading on your tenancy agreement or property condition report and have a witness to support you. However, in all cases, the Water Corporation prefers to do the meter readings and as explained above it may save you money in the long run.

**Contact the Water Corporation for more information on 13 13 85 or check out their website [www.watercorporation.com.au](http://www.watercorporation.com.au)**

If the property has a shared water meter (eg. one water meter shared between two or more properties) the water charges are likely to be apportioned by the owner/agent. This means that, depending on what agreement you have, the owner will split the charge and send a bill to the tenants. This can sometimes lead to disagreements about water usage. You should either suggest to the owner/agent that they get a separate meter installed or negotiate how the charges will be apportioned and make sure this is written into the tenancy agreement.

## Should the owner contribute to water consumption costs?

How water costs are shared between the tenant and the owner should be negotiated at the beginning of the tenancy and written into the tenancy agreement. This is usually written into the tenancy agreement as a percentage figure (whether the tenant is to pay 0-100% of water consumption costs).

It is fair for the tenant to ask the owner to contribute something to water costs if the tenant is being asked to water a garden. Sharing the costs for water usage is reasonable because you are helping the owner by maintaining their asset. The amount you should pay will depend on the individual circumstances of the tenancy and how much water is likely to be consumed. For example, is it a large garden or a small garden, a single tenant household or a large family?

NOTE: Homeswest tenants are expected to pay 100% of charges for water, as set out in Homeswest's Tenancy Management Policy and stated in clause 18 of Homeswest's 1996 Tenancy Agreement (not all tenants have this particular agreement – always check the tenancy agreement). Tenants should always take a meter reading when they first move into Homeswest premises so as to check that Homeswest's reading, as recorded on the Property Condition Report, is correct. For more information, refer to TAS' Tenants Rights Manual for Homeswest Tenants (available from TAS' website: [www.taswa.org](http://www.taswa.org)).

## How will I be charged for water?

There are two different ways to charge tenants for water. Whichever method is used should be written into your tenancy agreement.

What you owe for water should be worked out by either of the following methods:

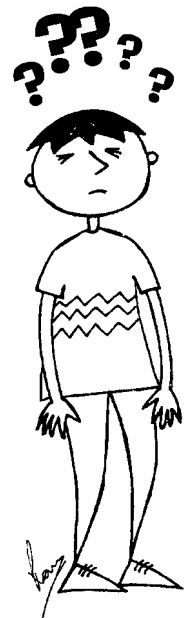
- **Method 1 - Full cost to the tenant**

The owner may pass the full cost of the water consumption directly on to the tenant. The owner/agent should provide a copy of the actual water account to the tenant for their records.

- **Method 2 - Cost apportioned**

The Water Corporation's charge for water goes up as water consumption increases. This means that the more water used, the higher the rate charged for each litre.

Rates are subject to change each year – for more information on rates, check the Water Corporation's website: [www.watercorporation.com.au](http://www.watercorporation.com.au) or phone **13 13 85**. The Water Corporation only bills for water once every six months in the metro area (once every four months for country areas) which means more than one tenancy may occur during a billing period.



Where there is more than one tenancy during a billing period and the Water Corporation has not done a special reading, the owner/agent can apportion the water consumption account. This means that both tenants have their charges apportioned according to the rates discussed above rather than the early tenant getting cheaper rates and the second tenant paying higher rates. The owner/agent makes this calculation, not the Water Corporation, therefore you should ask for the owner to provide a copy of the actual account as well as any calculations. If you think the calculations are incorrect, please seek advice from the TAS Advice Line or see chapter [1.12 Community Contacts](#).

### **Do I have to pay for water leaks?**

The tenant is only responsible for the water they have consumed. This does not include any water that may have been wasted due to a failure of the owner/agent to maintain the premises (by fixing leaking taps, etc). However, the tenant does have a responsibility to report any need for repairs to the owner/agent as soon as practical.

### **Paying the Account**

You should always ask the owner/agent for a copy of the actual water account as well as any calculations they may have been made so you can check that the correct amount is being charged. The owner/agent cannot refuse to provide copies of the bill along with any calculations. The Water Corporation may not issue copies of the bill to the tenants without permission from the owner/agent. However, long term tenants (13 months or more) can be shown as “Tenant Bill” on the Water Corporation’s records thereby receiving the consumption bills directly. In this case, the consumption bill will be for the total amount, which will mean that if the owner has agreed to contribute to the water the tenant will have to get the owner to pay their share.

If you are having difficulty paying a water account, you should write to the owner/agent explaining the difficulty and make a proposal as to how you will pay the account. Whatever is agreed should be confirmed in writing. Financial counsellors may also be able to assist you – see chapter [1.12 Community Contacts](#).

### **What if I Don't Pay the Account?**

If you do not pay the water account by the due date, you may be served with a *Notice of Breach of Agreement*. This gives you 14 days to make the payment or the owner/agent can start action to end your tenancy.

If you are in breach of your agreement and receive a breach notice, you should write and explain why you have not paid the water account and try to negotiate a solution. See chapter [3.8 When The Tenant Is In Breach Of The Agreement](#) for more information.

## **What if I disagree with what the owner says I owe?**

If you disagree with a water account you should write to the owner/agent, explain the reasons you disagree and offer to pay the amount you believe to be correct (see chapter [3.13 Writing a Letter to the Owner/Agent](#)). If you cannot reach agreement with the owner/agent, either you or the owner/agent can apply to the Court for a decision on what is fair. See chapter [6.3 Going to Court](#) for more information.

## **Has your water been restricted by the Water Corporation?**

Sometimes if money is owed to the Water Corporation, it can affect your tenancy. For example, your water may be slowed down to a trickle.

If this happens:

- You should first contact the Water Corporation to check whether there is any fault with the water supply.
- If the owner/agent owes the money, notify the Water Corporation about it, telling them that you are a tenant and requesting that they reinstate the supply of water.
- If you still have problems with the Water Corporation reinstating your water supply, you can contact the Office of Water Regulations for assistance (Ph: **(08) 9213 0100**).
- You also have the choice to apply to Court for a performance order that the owner pay the debt owing to the Water Corporation. See chapter [6.3 Going to Court](#) for more information.
- Contact the Water Corporation before making any arrangements with the owner/agent to put the rent money towards paying the overdue water account.
- The Water Corporation will only transfer the water account into your name (instead of the owner's) if the owner/agent provides them with the authority to do so. The owner/agent can only do this with your consent.

### **List of Tenants' Rights Manual chapters referred to in this info sheet:**

- [1.12 Community Contacts](#)
- [3.8 When the Tenant is in Breach of an Agreement](#)
- [3.13 Writing a Letter to the Owner/Agent](#)
- [6.3 Going to Court](#)