

08

RENTAL INCREASE CONTEST

Residential Tenancies Act 2010 (NSW) — Sections 42, 44

Your rights when you receive a rent increase notice you believe is excessive or invalid

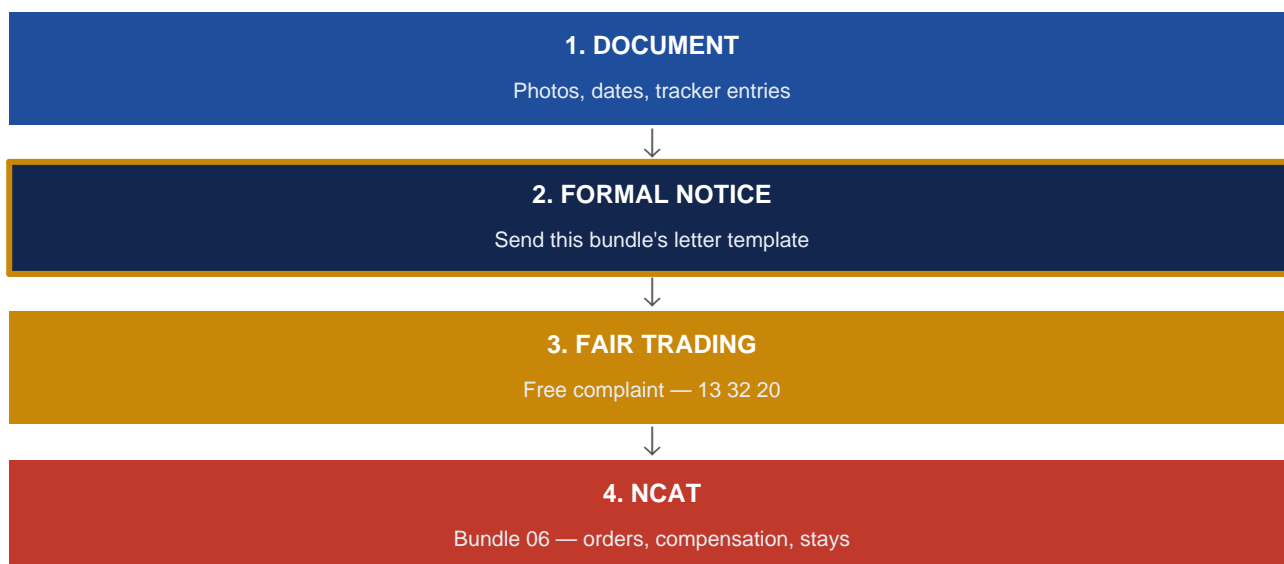
WHEN TO USE THIS BUNDLE

Use this bundle when you receive a rent increase notice that is excessive against the market, or invalid — under 60 days notice, or a second increase within 12 months.

KNOW THE LAW — CONTESTING A RENT INCREASE (SS.42, 44)

A rent increase requires at least 60 days written notice and — for periodic agreements — can occur no more than once in any 12-month period (s.42). An invalid notice has no effect. If the notice is valid but the increase is excessive against the market, you can apply to NCAT under s.44 to have the rent set — but only within 30 days of receiving the notice. NCAT considers general market rent, the state of the premises, and outstanding repairs.

HOW THE SYSTEM WORKS — YOUR ESCALATION PATH



The highlighted box shows where this bundle fits in the journey.

08

STEPS TO SUCCESS

Residential Tenancies Act 2010 (NSW) — Sections 42, 44

01 Check the notice for validity first

60 days written notice, no more than one increase in 12 months (periodic), correctly addressed and specific. An invalid notice has no effect — say so in writing.

02 Diarise the 30-day NCAT deadline immediately

Your right to challenge an excessive increase expires 30 days after you receive the notice. This clock is everything — note the date before you do anything else.

03 Research comparable properties

At least 3 current listings: same suburb, similar size and condition. Screenshot each with the address and price — this is your market evidence.

04 Respond in writing and negotiate

Send the contest letter with your comparables. Many increases are reduced at this stage — but negotiate inside the 30-day window, never instead of it.

05 File at NCAT before the deadline if unresolved

Apply under s.44 with your comparables and evidence of the property's condition — outstanding repairs count against the increase. Use Bundle 06.

IF YOU NEED TO ESCALATE — WHAT NCAT CAN ORDER

NCAT can declare the increase excessive and set the maximum rent for up to 12 months. The property's state of repair is directly relevant — every outstanding repair in your tracker is evidence against the increase. Keep paying current rent until any increase lawfully takes effect.

★ GOOD TO KNOW — 30 DAYS — THE CLOCK IS EVERYTHING

Your s.44 challenge right expires 30 days after receiving the increase notice. Negotiation can continue after you file, but it cannot resurrect a lapsed deadline. Diarise it the day the notice arrives.

■ CRITICAL — 30 DAYS TO APPLY TO NCAT — THE CLOCK IS RUNNING

Your right to challenge an excessive rent increase expires 30 days after you receive the notice, and NCAT cannot extend it. File first, keep negotiating after — never the reverse.

■ CRITICAL — AN INVALID NOTICE HAS NO EFFECT

Less than 60 days notice, not in writing, or a second increase inside 12 months on a periodic agreement — an invalid notice does not change your rent. Respond in writing identifying the defect and continue paying the current rent.

1. COPY

Copy the letter below into a new email

2. FILL

Replace every **[bracketed]** field with your details

3. SEND

Email it — request a read receipt, save a copy

Fill in every **[bracketed]** field, then send via email — request a read receipt.

SUBJECT:

FORMAL CONTEST OF PROPOSED RENT INCREASE: [Insert Property Address]

1. NOTICE OF CONTEST

- I acknowledge receipt on **[Insert Date Received]** of your notice proposing a rent increase from **[\$[Current Amount]** to **[\$[Proposed Amount]** per week, effective **[Proposed Date]**.
- I formally contest this increase as excessive and inconsistent with the current market, and I reserve my right to apply to NCAT under Section 44 within 30 days of the notice.

2. MARKET EVIDENCE

- Comparable properties currently advertised in **[Suburb / Area]**:
- Property 1: **[Address or listing link]** — **[\$[Amount]** per week
- Property 2: **[Address or listing link]** — **[\$[Amount]** per week
- Property 3: **[Address or listing link]** — **[\$[Amount]** per week
- The condition of the premises is also relevant: **[list any outstanding repairs or standards issues]**.

3. REQUEST FOR RECONSIDERATION

- I request that you reconsider this increase in light of the above and provide a written response by **[Insert Date — e.g., 7 days]**.
- I will continue to pay rent at the current rate until any increase lawfully takes effect.

Yours sincerely,

[Your Full Name]

[Property Address]

[Date]

[Contact Number / Email]