

[Your name and address]

[Date]

[Landlord's or agent's name and address]

Dear ...

Re: Recovery of overpaid rent at [your address]

Your letter dated [date] increased the rent on the above premises from \$[amount] to \$[amount] per week. Since this time I have paid the increased rent. I was not given 60 days written notice of the rent increase and consequently the rent increase is not valid. I have overpaid \$[amount] in rent over this period. I have receipts for the rent paid during this period.

I draw your attention to section 41(1) of the *Residential Tenancies Act 2010*, which states:

"The rent payable under a residential tenancy agreement may be increased only if:

(a) the tenant is given a written notice by the landlord or the landlord's agent specifying the increased rent and the day from which it is payable, and

(b) the notice is given at least 60 days before the increased rent is payable."

Section 41(3) of the same Act states:

"A rent increase is not payable by a tenant unless the rent is increased in accordance with this section or the rent is increased by the Tribunal."

A breach of section 41 of the Act is an offence punishable by a fine of up to \$2200.

Please send me a cheque for \$[amount] within 14 days. If you do not, I will apply to the NSW Civil and Administrative Tribunal for an order that you reimburse me for the overpaid rent. I hope we can resolve this matter without going to the tribunal.

Yours sincerely

[T Tenant]