

# Relocation & Park Closures

## Fact Sheet

**The *Manufactured Homes (Residential Parks) Act 2003* (the Act) is the law that covers residents, owners and park managers in Queensland.**

### What happens if my manufactured home park closes?

Manufactured Home park owners retain the title to the land the park is located on. If the park owner decides to change the use of the land they may close the park and ask the residents to leave. The process for legally terminating residents' site agreements is governed by the *Manufactured Homes (Residential Parks) Act 2003* (**MHRP Act**). A strict process must be followed before the park owner can legally ask residents to leave. The park owner must have either your consent or an order from the Queensland Civil and Administrative Tribunal (**QCAT**) to terminate your site agreement.

**Note: It is illegal for a park owner to use coercion or intimidation to force residents to agree to terminate their site agreements.**

### Process for terminating a site agreement due to park closure

If the park owner plans to close the park for redevelopment they must complete the following steps:

1. Obtain approval from local council to change the use of the land (see s.38(2) of the MHRP Act);
2. Seek your consent to the termination of the site agreement. If you do not agree to terminate your site agreement, the park owner must
3. apply to QCAT for an order terminating the site agreement;
4. The park owner must produce written evidence of the approval from the local government to QCAT;

**Disclaimer: This fact sheet is provided as general information only. We encourage you to seek independent legal advice regarding your specific circumstances.**

5. If QCAT makes an order terminating the site agreement, they will also order the park owner to compensate you for the cost of relocating or disposing of your home;

Note: QCAT must state the determination day in a termination order. If it is just and equitable to do so, the Tribunal may order that the termination day be delayed by up to 1 year. In doing so QCAT may consider:

- ❖ the owners finances, health and mobility;
- ❖ the availability of similar accommodation at a similar cost;
- ❖ the financial impact on the owner if delayed; and
- ❖ other financial and social considerations (see s.39(3)).

6. The park owner must pay you the amount ordered by the Tribunal.

Alternatively, the park owner can arrange and directly pay for the relocation or disposal of your home.

If the park owner makes an application to QCAT to terminate your site agreement you should be provided with the application and have an opportunity to present your position to QCAT. Timeframes apply and we recommend you seek advice as soon as possible on receipt of any such application.



### Will I receive compensation?

If QCAT terminates your site agreement due to park closure, you must be given compensation. The amount of compensation you receive will depend on whether you decide to relocate your home or dispose of it and move into different accommodation.

If you relocate your home to another park, the compensation amount will include:

1. The estimated cost of removing your home from the site;
2. The cost of transporting your home and personal effects up to 300km from the current site;
3. The costs of positioning your home on the new site; and,
4. Other relevant expenses, for example the cost of alternative accommodation while your home is being moved, and the cost of storing your belongings.

If you decide not to relocate your home, or your home cannot be relocated, the park owner must pay the costs for:

1. Removing your home from the site; and
2. The costs of relocating your personal effects to your new place of residence.

You should provide quotes or estimates for these costs to QCAT at the termination hearing. In some cases the park owner may make the arrangements for removal on your behalf, and they should provide these estimates.

### When do I need to leave?

If QCAT makes a termination order they will also set a *termination day*. You will need to vacate the site on or before this date. At QCAT hearing you can ask QCAT to give you extra time if there are

special circumstances which will impact on your ability to relocate. QCAT should take into consideration any health or mobility concerns and financial impacts due to relocation. QCAT can set the *termination day* for up to one year from the date of the termination order if there are special circumstances.

### Relocation within the park

In some cases the park owner may ask you to relocate to a different site within the same park. In this case the park owner must pay for the cost of relocating your home to another site within the park (see s.93 of the MHRP Act). The new site must be comparable to the site you were previously located on, and the owner must agree to pay the costs of your relocation (the site agreement must be in writing). If you disagree with the proposed alternative site, you can dispute the decision.

### Legal Advice

If you are asked to relocate or if your park is closing, you should seek legal advice as soon as possible. Your legal rights are protected under both the MHRP Act and your site agreement, and it is important to know what these are if you receive notice that the park is closing.

**For free advice on Caravan & Manufactured Homes call:**

**Tenants' Union of Queensland (TUQ)**  
**07 3852 2064 – Tues & Wed**

**For free tenancy advice call:**

**1300 744 263 – Statewide advice line**

9am – 12.30pm Mon Wed Thurs &

3.30pm – 7pm Tues Wed

[www.tuq.org.au](http://www.tuq.org.au)