

Park Rules & Rule Changes

Fact Sheet

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

Most residential parks have a set of 'park rules' in addition to the standard terms of home owners' site agreements. The park rules are considered to be a part of your site agreement and are legally enforceable. A copy of the rules must be given to the home owner *before* the parties enter into a site agreement.

What can rules be made about?

Park rules govern the use, enjoyment, control and management of the park. The *Manufactured Homes (Residential Parks) Act 2003* (the Act) sets out eight specific issues that the park owner can make rules about. Only rules which are related to these eight issues are legally enforceable.

The park owner may make rules about:

- ❖ The use and operation of communal facilities;
- ❖ The making and abatement of noise;
- ❖ The carrying on of sporting and other recreational activities;
- ❖ Speed limits for motor vehicles within the park
- ❖ Where motor vehicles can be parked
- ❖ How rubbish and other waste is to be disposed of
- ❖ The keeping of pets; and
- ❖ 'Other things prescribed under a regulation' (no regulation regarding park rules has been enacted at this stage).

Example

Peter has signed a site agreement for a new home and received a copy of the park rules before signing. The park rules state that:

1. Residents must not make loud noise between 9pm and 9am
2. Residents must obtain authorisation from the park owner in order to keep pets
3. All vehicles must not travel more than 20km/h within the park

These are examples of common rules in residential parks that would be considered legally valid under the Act.

Changes to park rules

From time to time the park owner may decide to make changes to the park rules. In order for the change to be valid, the park owner must follow the process set out in the Act. If they do not follow the correct steps, the new rules will not take effect. The process is designed to allow home owners to have input into rule changes and to object to changes that are unreasonable.

Notice of change to park rules

The park owner must give each home owner a notice of proposed change to park rule prior to changing it. The notice must allow existing home owners at least **28 days** to lodge an objection to the rule change with the park owner. New home owners must receive a copy of the existing park rules and the proposed new rules and be advised of the closing date for objections. The notice should also state that the home owner may object to the proposal before the end of the 28 day period and how the home owner can make an objection.

Objection to proposal

If you consider the proposed change to the park rules to be unreasonable, you may lodge a written objection with the park owner prior to the end of the 28 day notice period. In the objection notice you should state details of why you believe that the proposed change is unreasonable.

Park liaison committee

If enough home owners lodge an objection to a rule change before the objection closing day, then a park liaison committee must be established to address the objections. The park liaison committee is intended to be a mechanism for resolving



disputes about park rule changes within the park itself. If the park liaison committee cannot resolve the issue, either the park owner or a home owner can apply to the Tribunal for a ruling.

Number of objections required to establish a committee

In a park with less than 10 sites – a majority of home owners must lodge an objection.

In a park with more than 10 sites – 5 or more home owners must lodge an objection.

If less than the required number of home owners object to the proposal, then a committee will not be established, and the proposal will be accepted.

The committee is made up of three members – a representative from the objectors (this can be one of the people who lodged an objection, but may not be), a representative for the park owner, and a third person who both the park owner and the objectors agree on. The park liaison committee can only meet and make decisions if all three people are present. If the objectors and the park owner cannot agree on the third person within (7) **seven days** of the objection closing day, the park owner gives a *non-resolution notice* to each objector.

Where a park liaison committee is successfully established, it must consider all the objections and decide whether or not the proposed changes are reasonable or unreasonable. If the committee decides that a proposal is unreasonable, it must change the proposal to make it reasonable. The committee must give a notice of its decision to each home owner and the park owner (if the park owner is not on the committee). If the committee decides that a proposal is unreasonable, it will not take effect.

If you do not agree with the committee's decision, or if you receive a *non-resolution notice*

You must apply to the Queensland Civil and Administrative Tribunal (**QCAT**) within seven (7) days of receiving the notice of decision or non-resolution notice. Applications made outside of this time frame will probably not be accepted. You

must include details of why you find the proposal or the decision of the committee to be unreasonable.

Powers of QCAT

QCAT will consider your application and make a decision declaring:

- that the proposal is reasonable; or
- that the proposal is unreasonable; or
- varying the proposal so that it is reasonable; or
- an alternative order that the Tribunal sees as appropriate.

If QCAT declares that the proposal is unreasonable, it will not take effect.

When does a proposal take effect?

If no-one objects to the proposal, or if not enough home owners object to establish a committee, then the proposal is accepted and will take effect on either the day after the period for making an objection ends or on a later day if the park owner states one in the notice.

If non-resolution notices are given to the home owners, the proposal takes effect at the end of the last day for lodging an application to the Tribunal (7 days after the notice is given) or on a later day if one is stated in the proposal.

If the park liaison committee decides a proposal is reasonable or changes it so that it is reasonable, and no objection is lodged within 7 days, then the proposal comes into effect on a day decided by the committee.

If a decision is made by QCAT declaring a proposal is reasonable, or changing it so it is reasonable, the proposal takes effect on the day decided by QCAT.

For free advice on Caravan & Manufactured Homes:

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

For free tenancy advice call:

1300 744 263 – Statewide advice line
9am – 12.30 Mon Wed Thurs & 3.30 – 7pm Tues Wed
www.tuq.org.au

Further information:

Residential Tenancies Authority (RTA)
1300 366 311 www.rta.qld.gov.au