

Terminating Site Agreements

Fact Sheet

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

How can my Site Agreement be terminated?

The MHRP Act provides the legislative parameters for termination of a Site Agreement. Specifically Part 6, Divisions 1 and 2 set out circumstances in which a site agreement can be terminated. Part 8 deals with termination occurring as a consequence of abandoning the home.

What Rights Do I Have?

A manufactured home owner who has entered into a site agreement with the park owner has a right to ongoing tenure for the site until it is terminated pursuant to Part 6 because:

- ❖ A site agreement is not a fixed term agreement and
- ❖ Has no fixed end date and therefore:
 - provides the manufactured home owner with an ongoing tenure for the site; and
 - the manufactured home owner has an ongoing right to position a manufactured home on the site; until
 - the site agreement is terminated pursuant to Part 6 of (the Act); and
- ❖ the right to ongoing tenure continues should the park owner sell the park; as
- ❖ the successor in title of the park owner is subject to the obligations of the site agreement.

Under Part 8, if the home has been "abandoned" then QCAT can terminate the site agreement at the request of the park owner.

The Act also states that the park owner must not:

- ❖ coerce a home owner into signing a termination agreement; or
- ❖ include a term or clause in a site agreement under which the parties agree to terminate the site agreement.

How Does The Act Apply?

Part 6 of (the Act) provides for two avenues for termination:

1. Division 2

Termination within 28 days after entering into a site agreement (cooling off period)

- ❖ The home owner may terminate the site agreement by giving the park owner a signed notice stating the agreement is terminated.
- ❖ The notice must state a termination date.
- ❖ The termination date must be within 28 days after entering into the site agreement.
- ❖ The park owner must refund, within 14 days after the termination date, any amount received under the agreement from the home owner

And

2. Division 3

Termination of site agreements in other circumstances

- ❖ The home owner and the park owner may agree in an approved form to terminate the site agreement



- ❖ The home owner may terminate the site agreement by giving 28 days notice in the approved form to the park owner
- ❖ The park owner may make application to the tribunal seeking a termination order on any of the following grounds:
The home owner has:
 1. Contravened a term of the agreement and has failed to remedy the contravention within 28 days of receiving a notice to remedy
 2. The home owner has assaulted a person who was lawfully in the park
 3. The home owner has wilfully destroyed other persons property on the park
 4. The home owner uses the site other than as a place of residence
 5. The home owner (or guest) repeatedly interferes with the quiet enjoyment of other park residents after receiving a notice (in the approved form) to stop the behaviour
 6. The park owner wishes to apply to use the park land for another purpose
 7. If the tribunal makes a termination order in relation to (6) the tribunal must make a compensation order in favour of the home owner

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