

## Fact sheet

### Moveable dwelling park closure

The *Residential Tenancies and Rooming Accommodation Act 2008* (the Act) applies to tenancy agreements for caravans, caravan sites and rented manufactured homes.

The *Manufactured Homes (Residential Parks) Act 2003* applies to owner-occupied mobile homes as defined within the Act. The Department of Housing and Public Works can help with queries regarding living arrangements under the *Manufactured Homes (Residential Parks) Act 2003*.

The Act covers short term moveable dwelling tenancies of up to 42 days and long term tenancies but does not apply to holiday lettings.

#### Moveable dwelling park closure

There may be instances where the moveable dwelling park is to be closed. This may be because:

- the park has become unfit to live in (non-liveability)
- the park is to be used for another purpose (voluntary park closure)
- the park is no longer able to operate as a park and is to be closed (compulsory park closure)
- the park has been taken over by an authority (compulsory acquisition), or
- the park is being sold.

Tenants must be informed about these changes, and how it will affect their tenancy.

#### Informing tenants about park closure

Tenants must be given a *Notice to leave* (Form 12) if their tenancy is to be ended as a result of park closure. The amount of notice required depends on the circumstances.

Reason for ending tenancy	Amount of notice required
Non-liveability (notice must be given within one month of the event causing the non-liveability)	The same day the notice is given
Voluntary park closure	At least three months (two days for a short term tenancy)
Compulsory park closure (the owner/manager must give the notice within 24 hours of the owner's authority to operate the park ending)	The same day the notice is given
Compulsory acquisition (the owner/manager must give the notice within one month of receiving official notification of the compulsory acquisition)	At least two months (two days for short term tenancy)

#### When the moveable dwelling park is being sold to a new owner

If the moveable dwelling park is being sold but the moveable dwelling tenancies will continue, the outgoing owner/manager must advise the tenants of the upcoming change of owner/manager. This notification is called an *Attornment notice*.

Tenants must be told in writing who the new owner is and be given the new owner's/manager's address for service. The tenants must then pay their rent to the new owner/manager.

Any rent which is unpaid at the time of the transfer of park ownership is a debt owed to the previous owner.

Alternatively the previous owner may pass the right to collect this debt on to the new owner when ownership of the business is transferred.

### **When there is disagreement about how the tenancy is ended**

Sometimes issues may arise about the *Moveable dwelling tenancy agreement* (Form 18b), such as how it is ended and how notices were issued.

If you have a dispute about the terms of the agreement, talk to the other person as soon as possible. Be clear about your concern and listen to what the other person has to say.

If you can't resolve the dispute, contact the Residential Tenancies Authority (RTA) for information about the Act and procedures to follow.

The RTA's dispute resolution service provides tenancy conciliation to help the parties resolve the dispute, if they are unable to do this themselves.

If the matter can't be resolved, then it may be necessary to apply to the Tribunal for a decision.

### **Where to go for help**

#### **Caravan and manufactured home tenants**

If you:

- rent your manufactured home from someone else, or
- rent a caravan from someone else, or
- you own the caravan but rent the site,

contact the RTA on 1300 366 311 or Tenants Queensland on 1300 744 263.

#### **Manufactured home owners**

If you are a manufactured home owner living in your own manufactured home, contact:

- Department of Housing and Public Works – 13 QGOV (13 74 68).

### **Further information**

For more information contact the Residential Tenancies Authority on 1300 366 311.

### **Accessing RTA forms**

The RTA's forms can be obtained electronically or in person by:

- [rta.qld.gov.au](http://rta.qld.gov.au)
- 1300 366 311
- Level 23, 179 Turbot St Brisbane



If you need interpreting assistance to help you understand this information, contact TIS on 13 14 50 (for the cost of a local call) and ask to speak to the Residential Tenancies Authority (RTA).

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#### **Disclaimer**

*This fact sheet is prepared for information only. The Residential Tenancies and Rooming Accommodation Act 2008 is the primary source on the law and takes precedence over this information should there be any inconsistency between the Act and this fact sheet.*