

Queensland Retirement Village and Park Advice Service

Park Facilities and Common Areas

One of the attractive things about living in a manufactured home park can be the access to facilities such as pools, tennis courts, barbecue areas, gyms and other common areas.

The rent that you pay as a resident of a manufactured home park contributes to the maintenance of these facilities.

Park owners are responsible for ensuring that you have reasonable access to these common areas.

MAINTENANCE

Maintenance of the park

The park owner is responsible for maintaining common areas, park facilities and trees located on the common property. Facilities at the park should be clean and fit for use by homeowners, and trees should not pose a risk to any person or property.

Site rent reduction

You may be able to apply to the Queensland Civil and Administrative Tribunal to have your site rent decreased where:

- the standard of the common areas and communal facilities has decreased substantially since you entered into the agreement
- a communal facility or service provided at the park when the agreement was entered into has been withdrawn
- a communal facility or service described in the advertisement or in a document available to you before you entered into the agreement has not been provided at the park.

Maintenance of the site

You are responsible for maintaining your home so that it is clean and fit to live in. Responsibility for

the maintenance for the rest of your site (e.g. the grounds immediately surrounding your home) will depend upon the terms of your site agreement. You may be required to maintain the site, or you may have to pay a fee for the manager of the site to maintain it for you. Responsibility for maintenance of trees on individual sites is also something that should be included in your site agreement.

If this is not specified in your site agreement, and you are unsure about who is responsible for maintenance work, you may need to seek legal advice.

USE OF COMMON AREAS

You must ensure that you only use the common areas for a purpose that is associated with the residential use of your site. You must also ensure that you and your guests do not:

- use facilities or sites for illegal purposes
- interfere with the peace, comfort or privacy of other homeowners
- damage or destroy facilities or common property
- intimidate or harass other residents.

Homeowners can be held responsible for the conduct of their guests.

The park owner must take steps to ensure that homeowners have quiet enjoyment of both their site and common areas at the park. The park owner must also take steps to ensure they do not interfere with the reasonable peace, comfort or privacy of residents using either their site or the common areas and facilities.

FACILITIES THE PARK OWNER MUST PROVIDE

The park owner is responsible for ensuring that homeowners have reasonable access to mail facilities at the park.

The park owner must also maintain a notice board in a prominent position within the park's common area. The notice board must be available for homeowners to look at and to exhibit notices relating to the park.

The park owner must ensure that there is ready access for emergency vehicles (ambulance, fire trucks and police).

The park owner or manager must be able to be contacted at reasonable times. They must also give you notice of any change to their business hours within seven days of the change.

The park owner must also ensure that utilities are supplied to the park and the sites to the extent that it is within their control (e.g. they may not be able to provide electricity to you during a blackout, however, the park owner should not repeatedly turn off the electricity supply).

DISPUTES AND ADVICE

See the Queensland Retirement Village and Park Advice Service (QRVPAS) factsheet *Dispute Resolution* for practical guidance about how to resolve disputes that relate to manufactured homes.

If you would like advice about issues relating to park facilities and common areas, you can contact QRVPAS at Caxton Legal Centre on (07) 3214 6333.

Caxton Legal Centre Inc.

© Copyright Caxton Legal Centre Inc.

1 Manning Street

South Brisbane Qld 4101

Telephone: (07) 3214 6333

Facsimile: (07) 3846 7483

Internet: www.caxton.org.au

Know Your Rights! www.queenslandlawhandbook.org.au

This information is current at February 2018.

Disclaimer

This information is intended only as a guide. It is not a substitute for legal advice.

No responsibility is accepted for any loss, damage or injury, financial or otherwise, suffered by any person acting or relying on information contained in or omitted from this publication.