

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. Your Home Owners Information Document (for home owners who signed a site agreement before 1 September 2019) or Supplementary Disclosure Document (for residents who signed a site agreement after 1 September 2019) should include details of the communal facilities in the manufactured home park.

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, communal facilities and trees located on the common property. Facilities at the park should be clean and fit for use by home owners, 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- a communal facility or service provided at the park when the agreement was entered into has been withdrawn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.

Disputing a site rent increase

The withdrawal of a communal facility that was previously provided at a park can be a relevant consideration if you are disputing a site rent increase. See our *Park Site Rent Increase – Market Review* factsheet for further information on disputing a site rent increase.

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 home owners
- damage or destroy facilities or common property

- breach any park rules about the use and operation of communal facilities
- act in a way that affects the occupational health and safety of a person working in the residential park
- intimidate or harass the park owner, manager or other residents.

Home owners can be held responsible for the conduct of their tenants and guests.

The park owner must take steps to ensure that home owners 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 home owners 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 home owners to look at and to exhibit notices relating to the park.

The park owner must create an emergency plan that sets out emergency procedures for the park, ensure that there is ready access for emergency vehicles (ambulance, fire trucks and police), display the plan on a notice board in the common areas, test the emergency procedures and ensure home owners and other residents are provided with training, information and instruction about the plan.

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.

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This information is current at May 2019.

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