

## Increase in site rent to cover special costs notice

*Manufactured Homes (Residential Parks) Act 2003*

This form is effective from 31 October 2018

ABN: 86 504 771 740

### Important

If you have concerns or do not understand this form, you should seek independent professional advice from an experienced lawyer or community legal service.

A park owner can use this notice to propose a site rent increase that is necessary to cover a special cost in accordance with pt 11, division 3 of the *Manufactured Homes (Residential Parks) Act 2003* (The Act). A notice for a rent increase to cover special costs must be delivered to home owners at least 2 months before the proposed date of commencement for the rent increase.

There are three types of special cost:

- *Operational costs*: a significant increase in the cost of running a park such as a significant increase in rates, taxes or utility costs for the park.
- *Repair costs*: the cost of significant repairs in relation to the common areas or communal facilities in the park that the park owner could not reasonably have foreseen.
- *Upgrade costs*: the cost of significant upgrades to common areas or communal facilities in the park.

A park owner may propose a site rent increase for a special cost whether or not it is provided for in a site agreement. Home owners who disagree with the increase, or do not respond, are taken to be disputing the rent increase for a special cost.

### Instructions—notice to be completed by park owner/manager, response to be completed by home owner

Please complete in BLOCK letters. If you need help completing this form, please contact the Department of Housing and Public Works on **13 QGOV (13 74 68)**.

**Part 1—Special increase details (to be completed by the park owner/manager)**

<p><b>Rent increase details</b> Impact of increase on site rent</p>	<p>Amount of proposed increase \$ .....</p> <p>New total site rent \$ .....</p> <p>Paid      Weekly      Fortnightly      Monthly      Other .....</p> <p>Period for which the proposed increase will be payable to cover the cost (repair and upgrade cost only)</p> <p>..... Not applicable</p>
<p><b>Key dates</b></p>	<p>Date notice given to home owner ..... DD / MM / YYYY</p> <p>The day new site rent is first payable <b>(special increase day)</b> ..... DD / MM / YYYY</p> <p><b>Note:</b> Notice must be delivered at least 2 months before new site rent payable.</p> <p>Date site rent increase ends (Repair and upgrade cost only) ..... DD / MM / YYYY</p> <p>The home owner must, within 28 days after receiving this notice, give the park owner a written response agreeing to or disputing the proposed increase (response page included on final page of notice).</p> <p><b>Response due</b> ..... DD / MM / YYYY</p> <p><b>Note:</b> Non-response within 28 days will be counted as disputing the increase in site rent to cover a special cost.</p>

**Part 1 – Special increase details continued**

**Details of cost**

Reason and method of calculation for proposed increase

Type of special cost

Operational cost

Repair cost

Upgrade cost

Purpose for which special cost has been, or is expected to be, incurred

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Total amount of the special cost incurred or expected to be incurred by park  
\$ .....

Proportion of the total amount proposed to be included in site rent  
.....%

**Note:** This describes what percentage of the special cost is being passed on to home owners.

How proposed increase has been calculated

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**Part 2—Park owner and home owner details (to be completed by the park owner/manager)**

<p><b>Park owner/manager</b></p>          <p><b>Sign here →</b></p>	<p>Title    Mr       Mrs       Ms       Miss       Other (specify) .....</p> <p>Last name .....</p> <p>First name .....</p> <p>Business address .....</p> <p>Suburb ..... State ..... Postcode .....</p> <p>Phone ..... Fax .....</p> <p>Email .....</p> <p>Full company/corporation name .....</p> <p>ACN .....</p> <p><b>Park owner/manager</b></p> <p>Signatory (print name) .....</p> <p>Signature .....</p> <p>Date ..... <small>DD / MM / YYYY</small></p>
<p><b>Park details</b></p>	<p>Park name .....</p> <p>Site number (if applicable) .....</p> <p>Street name within park (if applicable) .....</p> <p>Park address .....</p> <p>Suburb ..... State ..... Postcode .....</p>
<p><b>Home owner details</b></p>	<p><b>Person 1</b></p> <p>Title    Mr       Mrs       Ms       Miss       Other (specify) .....</p> <p>Last name .....</p> <p>First name .....</p> <p>Phone .....</p> <p>Email .....</p> <p><b>Person 2</b></p> <p>Title    Mr       Mrs       Ms       Miss       Other (specify) .....</p> <p>Last name .....</p> <p>First name .....</p> <p>Phone .....</p> <p>Email .....</p>

## Part 3—Dispute resolution details

### Dispute resolution details

If you disagree with a site rent increase to cover a special cost in your response (or you do not respond to the notice) you will be taken to have disputed the site rent increase. This will begin a dispute negotiation process between the home owner(s) disputing the increase and the park owner / manager.

Site rent increases to cover special costs are subject to the dispute resolution requirements in part 17 division 1 of the *Manufactured Homes (Residential Parks) Act 2003* (The Act). This process is different depending on whether the increase is for an operational, repair or upgrade cost.

#### Operational and repair costs

If an increase for an *operational cost* or a *repair cost* is disputed, the park owner may, subject to dispute resolution requirements, apply to the Queensland Civil and Administrative Tribunal (QCAT) to have the rent increase confirmed.

QCAT may only confirm an increase where it is satisfied that the residential park will not be commercially viable without significantly reducing the park owner's capacity to carry out their responsibilities in running the park.

#### Upgrade costs

Where the proposed increase is to cover an *upgrade cost* and the matter is unable to be resolved in dispute resolution, the park owner may, subject to the dispute resolution processes in the Act, apply to the Queensland Civil and Administrative Tribunal (QCAT) to determine whether the site rent for a special cost should be approved, reduced or disallowed.

However, if an increase for an *upgrade cost* receives 75% agreement from sites notified of the upgrade cost, all notified sites are taken to have agreed to the proposed increase in rent.

### Further information

If you would like more information, contact the Department of Housing and Public Works on 13 QGOV (13 74 68) or visit our website at [www.hpw.qld.gov.au](http://www.hpw.qld.gov.au)

#### Regulatory Services (Department of Housing and Public Works)

Regulatory Services administers *the Manufactured Homes (Residential Parks) Act 2003*. This includes investigating complaints and alleged breaches of the Act.

Department of Housing and Public Works

GPO Box 690, Brisbane, QLD 4001

Phone: 07 3008 3450

Email: [regulatoryservices@hpw.qld.gov.au](mailto:regulatoryservices@hpw.qld.gov.au)

Website: [www.hpw.qld.gov.au](http://www.hpw.qld.gov.au)

### **Queensland Retirement Village and Park Advice Service (QRVAPAS)**

Specialist service providing free information and legal assistance to home owners and prospective home owners in residential parks in Queensland.

Caxton Legal Centre Inc.  
1 Manning Street, South Brisbane, QLD 4101  
Phone: 07 3214 6333  
Email: [caxton@caxton.org.au](mailto:caxton@caxton.org.au)  
Website: [www.caxton.org.au](http://www.caxton.org.au)

### **Seniors Legal and Support Service**

These centres provide free legal and support services for seniors concerned about elder abuse, mistreatment or financial exploitation.

Caxton Legal Centre Inc.  
1 Manning Street, South Brisbane, QLD 4101  
Phone: 07 3214 6333  
Email: [caxton@caxton.org.au](mailto:caxton@caxton.org.au)  
Website: [www.caxton.org.au](http://www.caxton.org.au)

### **Queensland Civil and Administrative Tribunal (QCAT)**

This independent decision-making body helps resolve disputes and reviews administrative decisions by government.

GPO Box 1639, Brisbane, QLD 4001  
Phone: 1300 753 228  
Email: [enquiries@qcat.qld.gov.au](mailto:enquiries@qcat.qld.gov.au)  
Website: [www.qcat.qld.gov.au](http://www.qcat.qld.gov.au)

### **Queensland Law Society**

Find a solicitor  
Law Society House  
179 Ann Street, Brisbane, QLD 4000  
Phone: 1300 367 757  
Email: [info@qls.com.au](mailto:info@qls.com.au)  
Website: [www.qls.com.au](http://www.qls.com.au)

### **Department of Justice and Attorney-General**

Dispute Resolution Centres provide a free, confidential and impartial mediation service to the community.

Phone: 07 3006 2518  
Toll free: 1800 017 288  
Website: [www.justice.qld.gov.au](http://www.justice.qld.gov.au)

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**Response (Home owner to complete)**

<b>Instructions</b>	You should complete this page and return it to the park owner/manager indicating whether you agree to the proposed increase or not.  If no response is returned within 28 days of receiving the notice, you will be considered as <b>not agreeing</b> to the site rent increase to cover a special cost.
<b>Site details</b>	Park name ..... Site number (if applicable) ..... Street name within park (if applicable) ..... Park address ..... Suburb ..... State ..... Postcode .....
<b>Confirm details</b> These are found in part 1 of the notice.	Amount of proposed increase \$ ..... New total site rent \$ ..... Special Increase date ..... DD / MM / YYYY
<b>Response</b> Home owner(s) to indicate whether they agree to the proposed site rent increase for a special cost	I agree to the site rent increase for the special cost described in this notice  I do not agree to the site rent increase for special cost described in this notice
<b>Sign here</b> ➔      <b>Sign here</b> ➔	<b>Person 1</b> Signatory (print name) ..... Phone ..... Email ..... Signature ..... Date ..... DD / MM / YYYY  <b>Person 2</b> Signatory (print name) ..... Phone ..... Email ..... Signature ..... Date ..... DD / MM / YYYY