

Notice of variation of site agreement upon assignment to allow periodic site rent variations based on market review

Manufactured Homes (Residential Parks) Act 2003

This form is effective from 5 September 2014

Warning

Before signing this form, you should seek independent legal advice from an independent and experienced Queensland lawyer.

This form can be used by residential park owners who wish to vary a site agreement on assignment to allow for periodic variations in site rent based on market review under section 166 of the *Manufactured Homes (Residential Parks) Act 2003*.

Under the Act, a market review of site rent means a review of site rent, the outcome of which is decided by comparing the site rent with one or both of the following:

- a. the site rent payable for a site in one or more residential parks
- b. the rent payable for other residential accommodation.

When can this form be used?

Under the Act, a residential park owner may vary a site agreement to include a prescribed term allowing for periodic variations in site rent based on market review without the agreement of the buyer or seller of a manufactured home where:

- the site agreement was entered into before 19 November 2010
- the current manufactured home owner's interest in the site agreement is being assigned from the home owner to a person purchasing the manufactured home
- the site agreement does not already include a clause permitting the site rent to be increased based on a market review of site rent.

Important information for the buyer

- On successful assignment of the site agreement, the 'market review' term will be added to the terms of the site agreement.
- The buyer will be subject to the additional term.
- The term can be added without the agreement of the seller, buyer or any other future home owner.
- The term takes effect when the assignment (transfer) takes effect.

Important information for the park owner

To be effective:

- **this form must be given to the buyer at the same time as the park owner gives the buyer** a copy of the site agreement and disclosure documents as required by section 45 of the Act and
- the park owner must give the seller a copy of this form as soon as possible, but within 3 days, after giving the form to the seller.

Instructions

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

Part 1—Additional term to be included in site agreement

Site rent increases

Pursuant to section 166 of the *Manufactured Homes (Residential Parks) Act 2003*, the site agreement between
(insert residential park owners name)

and
(insert manufactured home owners name)

in relation to site in the
(insert site no.) (insert residential park name)

is hereby varied to include the following term.

The site rent may be increased in accordance with a market review of site rent no more often than once every 3 years after the site agreement was entered into, that has regard to—

- the range of rents usually charged for comparable sites in comparable residential parks in the locality of the park; or
- if it is impractical to obtain data for the range of site rents mentioned in paragraph (a) or data is not available for that range—the range of site rents usually charged for comparable sites in comparable residential parks in comparable localities to the locality the park is in; or
- if it is impractical to obtain data for the range of site rents mentioned in paragraph (a) or (b) or data is not available for that range—general trends in rent for residential accommodation in the locality the park is in.

The date on which the next market review will happen is

□□ / □□ / □□□□
D D / M M / Y Y Y Y

Part 2—Park owner/manager

Park owner/manager details

Preferred title Mr Mrs Ms Miss Other (specify)

First name Last name

Business address

Suburb State □□□ Postcode □□□□

Phone Fax

Email

Full company/corporation name

Registered Business No. (BN) □□□□□□□□ (Not Australian Business No.)

Or

Australian Company No. (ACN) □□□ □□□ □□□

Address

Suburb State □□□ Postcode □□□□

Park owner/manager

Signatory (print name).....

Signature Date signed □□ / □□ / □□□□
D D / M M / Y Y Y Y

Company director

Signatory (print name).....

Signature Date signed □□ / □□ / □□□□
D D / M M / Y Y Y Y

Part 3—Buyer's acknowledgement

Buyer/s' details

Person 1 details

Preferred title Mr Mrs Ms Miss Other (specify)

First name Last name

Business address

Suburb State Postcode

Signatory (print name).....

Signature Date signed / /
D D M M Y Y Y Y

Person 2 details

Preferred title Mr Mrs Ms Miss Other (specify)

First name Last name

Business address

Suburb State Postcode

Signatory (print name).....

Signature Date signed / /
D D M M Y Y Y Y

Part 4—Seller's acknowledgement

Seller/s' details

Person 1 details

Preferred title Mr Mrs Ms Miss Other (specify)

First name Last name

Business address

Suburb State Postcode

Signatory (print name).....

Signature Date signed / /
D D M M Y Y Y Y

Person 2 details

Preferred title Mr Mrs Ms Miss Other (specify)

First name Last name

Business address

Suburb State Postcode

Signatory (print name).....

Signature Date signed / /
D D M M Y Y Y Y

Further information

If you would like more information, contact the Department of Communities, Housing and Digital Economy on **13 QGOV (13 74 68)** or visit our website at www.chde.qld.gov.au

Regulatory Services, Department of Communities, Housing and Digital Economy

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

Department of Communities, Housing and Digital Economy
GPO Box 690, Brisbane, QLD 4001
Phone: 07 3013 2666
Email: regulatoryservices@chde.qld.gov.au
Website: www.chde.qld.gov.au/regulatoryservices

Queensland Retirement Village and Parks Advice Service (QRVPAS)

Specialist service providing free information and legal assistance for 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
Website: www.caxton.org.au

Seniors Legal and Support Services 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
Website: www.caxton.org.au/sails_slash

Queensland Civil and Administrative Tribunal (QCAT)

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

GPO Box 1639, Brisbane, QLD 4001
Phone: 1300 753 228
Email: enquiries@qcat.qld.gov.au
Website: 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
Website: 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