



# CARPAV

## Connections

### November 2013 Issue 2

NOTE: This is a general guide to the law only and does not constitute legal advice.

#### Site Agreements

In this issue we will explain the rights for site tenants, under the Residential Tenancies Act 1997 (RTA) Part 4A, in relation to site agreements.

In the RTA a site tenant is defined as someone who owns, and permanently lives in, a transportable (moveable) dwelling in a caravan or residential park or village.

A site agreement is defined as “an agreement under which a person lets land as a Part 4A site for the purposes of a Part 4A dwelling on that land..... as a residence”.

Under section 206E a site agreement must be in writing.

After Part 4A came into effect in September 2011 Consumer Affairs Victoria (CAV) gave park and village operators a 12 month grace period to provide site agreements in writing where none had previously existed. Technically by 30 September 2012 all park and village site tenants should have been given a site agreement in writing.

Although no specific terms were prescribed for site agreements, under section 206S the RTA is clear to state that all rents, fees and charges must be included in detail in the agreement.

If an amount has not been disclosed in the agreement then the operator cannot charge it.

The details that must be included are:

- \* the rent, fees and charges payable;
- \* their amounts;
- \* the purpose for which they are charged;
- \* the basis on which they are calculated and adjusted;
- \* the circumstances in which they may be reviewed; and
- \* this also includes commission for sale of the dwelling by the operator.

Unfortunately the Act does not specify the length of tenure required in a site agreement for parks in existence before the commencement of Part 4A.

What the Act does say, under section 206H, is that for parks registered after the commencement of Part 4A a site agreement must provide for a minimum term of 5 years.

Housing for the Aged Action Group  
1st Floor, Ross House, 247-251 Flinders Lane, Melbourne VIC 3000  
Admin: 9654 7389 . Fax: 9654 3407  
Email: haag@oldertenants.org.au . Website: www.oldertenants.org.au