



# CARPAV

## Connections

### March 2014 Issue 4

#### Park/Village Rules

In this issue we will outline what the *Residential Tenancies Act 1997* states in relation to making and changing park/village rules.

According to the Act a site owner (or park/village owner) is allowed to make park rules around matters such as: noise, speed limits, pets and use of communal facilities (but not limited to those).

Sometimes the rules will be contained in your site agreement, and sometimes they form a separate document. In either case they should always be provided to you, whether as a prospective site tenant or as an existing site tenant.

If a site owner wants to make rules or change rules they **MUST** consult with site tenants, under Part 4A of the Act, and give 7 days written notice about the proposed changes allowing at least 14 days for site tenants to respond in writing.

If site tenants choose to provide a written response to the proposed changes the park owner **MUST** consider those and respond back in writing again.

If a site tenant considers a park rule to be unreasonable they may apply to the Victorian Civil and Administrative Tribunal (VCAT) to seek such a declaration. VCAT then has authority to declare that a rule is invalid.

Although site owners must consult with site tenants regarding park/village rules, as per the above process, there is nothing in the Act that states they cannot still go ahead with the proposed changes - even if this is contrary to the response from site tenants.

If the park/village has a residents committee it may be that the committee can engage with site tenants regarding the proposed changes to the rules, and then respond to the site owners on their behalf.

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

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