

Security of Tenure

Site agreements can be for a fixed term or can be periodic.

A fixed term site agreement has a commencement date and a designated end date written into the agreement.

A periodic agreement has a commencement date but no specified end date. The tenancy period is defined by the time between site fee payments.

For example: If you pay fortnightly then your tenancy period is fortnight to fortnight.

The Residential Tenancies Act 1997 does not specifically provide long term tenure and security for caravan and residential park and village residents and site tenants.

That being said, in Part 4A section 206H it states that for parks registered for the first time on or after 1st September 2011 (which was the commencement of Part 4A) the site agreement must provide a minimum 5 year term. This allows room for the provision of long term tenure, but is at the discretion of the village operator and only applies to newly registered parks and villages.

Many site tenants who own their moveable dwelling but rent the site on which it stands (owner/renters) do not have secure tenure and therefore are in a vulnerable situation. They are susceptible to park closure, change of park use and 'no reason' notices to vacate with very few options to turn to if they should have to leave the park where they live.

HAAG has always aimed for, and continues to lobby for, long term tenure to be included in the Act for residents and site tenants.

As a resident or site tenant it is important to know what your agreement states and to be clear about whether you have secure tenure. Whilst the Residential Tenancies Act does not provide secure tenure, a number of park and village operators offer long term leases. These may range from 5 years to 99 years. It is important to view your agreement closely to determine the level of secure tenure offered on a case by case basis.

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