

Fact Sheet 11: Dispute Resolution



Right where you live

Better rights for home owners in residential parks

Disputes

The Manufactured Homes (Residential Parks) Act 2003 (the Act) recognises that disputes can arise between home owners and park owners/managers, or even between individual home owners.

The Act defines what can be considered a 'Residential Park Dispute' in Part 4, Section 14A. It also provides a structured process for resolution of these disputes in Part 17, Section 106 to 117.

Reconciliation

Issues and complaints are always best put in writing to the park owner, then mutually resolved before they become disputes.

This can usually only be achieved if the parties involved are prepared to get together to talk and exercise some 'give and take' toward finding a resolution.



Initiation

Most disputes arise out of failure to resolve an initial complaint. If reconciliation fails you can raise a formal complaint with the park owner via a letter in the following form:

- Complainant name and contact details (individual home owner or Home Owners Committee)
- The facts of the situation
- Which section of the Act and/or site agreement has been breached
- Copies of relevant documents or evidence to support the complaint (e.g. any previous correspondence)
- A statement that a full and complete response is expected within 21 days in accordance with Section 104(2)(f) of the Act.

Negotiation

If matters remain unresolved, a 'Residential Park Dispute' can be raised by one party giving the other party a 'Dispute Negotiation Notice' (Form 11). The notice must state the matters in dispute and nominate a time (not less than 14 days but not more than 28) and place where the parties are to meet to negotiate a resolution to the dispute.

The other party must respond within 7 days either agreeing to meet at the nominated time and place, or at an alternative time and place within 7 days of the date originally nominated.

The parties must meet and try to resolve the dispute by negotiation.

Amendments to the Manufactured Homes (Residential Parks) Act 2003

In 2017 there were some changes to the *Manufactured Homes (Residential Parks) Act 2003*. (The Act).

You may be affected by these amendments.

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Mediation

If a dispute is not resolved through negotiation, either party can apply to the Queensland Civil and Administrative Tribunal (QCAT) to refer the dispute for independent mediation.

Mediation conferences are held in private and if agreement is reached, a **Mediation Agreement** is signed by both parties.

Arbitration

If a dispute is not resolved through mediation, an application can be made to QCAT for an order to resolve the dispute. QCAT will hold a hearing(s) where both parties are allowed to state their case before the Tribunal Member makes an order.

These orders are binding and enforceable. The general rule regarding representation at QCAT is that parties represent themselves unless it would be contrary to the interests of justice.

Please contact Queensland Manufactured Home Owners Association Inc. (QMHOA) for more information Phone: (07) 3040 2344
www.arpq.org.au

Queensland Retirement Village and Parks Advice Service

QRVPAS (formerly PAVIL), situated at Caxton Legal Centre, provides information, advice and assistance on the law relating to manufactured homes
Phone: 07 3214 6333

Do you have a hearing or speech impairment?

If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service. For more information, visit:

www.relayservice.gov.au

Do you speak a language other than English?

If you need an interpreter, please contact the Translating and Interpreting Service (TIS) on **131 450** and provide them with the number you want to call

Disclaimer: This fact sheet provides information only and is not intended to provide legal advice.