



# Factsheet 9.

## Varying Site Rent

### Queensland Manufactured Home Owners Association Inc.

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• QMHOA RIGHT WHERE YOU LIVE FACT SHEET SERIES

## Varying Site Rent

The process for the **periodic variation of site rent is strictly controlled** by provisions contained in the Manufactured Homes (Residential Parks) Act 2003 (the Act).

These were **amended in June 2024** to allow more transparent standardized site rent increase methods as required in site agreements.

## Varying Site Rent in Accordance with a Site Agreement (General Increase)

Park owners are required to ensure that site agreements clearly state the basis for working out the amount of an increase in site rent.

Changes to the legislation has **capped annual site rent increases to the greater of the 'All Capital Cities' CPI or 3.5%**.

However, the existing site rent method in a site agreement still applies as normal even if this calculation is less than the maximum rent increases that may occur otherwise.

Examples of these bases include:

- A percentage of the current site rent worked out by reference to the All Caps Consumer Price Index (CPI)
- A straight percentage of site rent
- A combination of these

Regardless of which method and basis is used to vary site rent, **only one general increase is allowed per year.**

Additionally, the park owner must nominate a 'general increase day', from when all eligible sites in the park must pay the new site rent.

This is achieved by **the park owner issuing a 'general increase notice' (Form 12)**, which must be provided to home owners **at least 35 days before the 'general increase day'** and include the following:

- the amount of the proposed increased rent
- the basis for increasing the site rent
- the amount of proposed increase in site rent and the basis on how the increased site rent has been worked out
- the day the increased site rent is first payable (the 'general increase day')
- the date the notice was issued to the home owner

**If a home owner or group of homeowners dispute the amount of the proposed increase on the grounds that it is excessive, a 'residential park dispute' can be initiated** by giving the Park Owner a **'dispute negotiation notice' (Form 11) within 28 days of receiving the 'general increase notice'**.

For more information on dispute resolution see **Fact Sheet 11 'Dispute Resolution'** in our resources section on our website at <https://qmhoa.org.au/resources/qmhoa-fact-sheets/>

### Varying Site Rent To Cover Special Costs (Special Increase)

Special costs are defined by the Act as those incurred by the park owner relating to operational matters, repairs and upgrades. The provisions of the Act for these special costs always apply, even if your site agreement includes other clauses or details about increasing site rent to cover special costs.

To follow due process, the park owner must issue a 'special increase notice' to all affected home owners at least two months prior to the increase day, stating:

- the purpose of the special cost
- the amount or expected amount of the special cost
- how the proposed special increase in site rent has been calculated
- the day the special increase is to apply (must be at least two months after the notice is issued)
- for a notice relating to a repair cost or upgrade cost, the period for which the increase will be payable

**Within 28 days** of receiving the notice, **a home owner must respond to the proposed increase.**

**If they do not agree to the increase, they are taken to have disputed it.**

If an upgrade to the park is proposed, the increase must be agreed to by 75% of affected home owners.

In both of these situations, if the increase is disputed, a Park Owner can refer the matter to the Queensland Civil and Administrative Tribunal (QCAT) for a ruling.



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Better rights for home owners in residential parks

For further information:

QMHOA Website: [www.qmhoa.org.au](http://www.qmhoa.org.au)

Phone enquiries: 0468 732 488

Not a member, please join us:

<https://qmhoa.org.au/register/>

Queensland Retirement Village and Parks Advice Service (QRVPAS): Phone 07 3214 6388

Caxton Legal website: <https://caxton.org.au/>

Phone Caxton Legal: 07 3214 6333

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