



## New resident to a caravan park? What you need to know

### Key matters that should be agreed upon between residents and operators:

- How much is the rent?
- How is the rent to be paid?
- What is being rented (i.e. which caravan or which caravan site and are any fixtures included)?
- What is the period of the agreement?
- What are the names of the parties, including the name of the resident?
- Is there a security deposit?
- Should there be a condition report?
- Will there be a separate written agreement or will the operator and the resident rely on the default provisions of the *Caravan Parks Act 2012* (the Act) as set out in the prescribed agreement?

### What must be covered in written agreements?

- the standard terms and conditions set out in the Act
- the address of the residential caravan park, the caravan site location and the name of the resident
- details of any additions to the caravan park site which are included in the agreement, such as furniture, fixtures, gardens etc
- details of the residential caravan park rules (if there are any)
- start and end dates of the occupancy (or just the start date for a periodic occupancy)
- details about the amount of rent payable, how rent should be paid and how rent increases should be calculated
- any other terms and conditions agreed to by the operator and resident these terms and conditions must not conflict with the Act)
- details of the security deposit, if there is one
- what services the resident must pay for (e.g. gas or electricity)
- if the operator agrees to replace or repair something before the resident moves in, this should be noted in the occupancy agreement

Any residential caravan park agreement prepared by a residential caravan park operator, for an occupancy covered by the Act must comply with the provisions of the Act. Penalties apply if they are not complied with.

For occupancies not covered by the Act (such as occupancies for less than 12 months), the onus is on the resident and operator to agree on the terms and conditions.

### **Checklist for residents:**

#### **When you begin your occupancy**

- make sure that you fully understand and agree with the terms and conditions of the agreement
- ensure that any information provided to the operator is accurate and truthful
- negotiate any special terms and conditions
- ensure any additional terms and conditions agreed upon are in writing
- if there is a written agreement, sign it if all the terms and conditions are agreed upon
- return the signed agreement to the operator
- ensure you receive a copy of the signed agreement within seven days of signing and returning to the operator
- pay rent in advance as specified
- if applicable, pay the security deposit and complete, sign and keep a copy of the condition report

#### **During an occupancy**

- use the site as a place to live
- use the site, park and facilities properly and ensure your visitors do the same
- do not use the site for any illegal purposes
- pay rent and other charges on time
- inform the operator about any damage to park facilities
- make sure there are never more people living on the site than the agreement allows
- speak with the operator first before trying to fix any problems
- follow the park rules

#### **At the end of an occupancy**

- take all your belongings with you
- take your caravan (if you own it) with you if you have not arranged to sell it
- if applicable, keep the condition report in case there are any disputes
- ensure the bond money has been credited to your nominated bank account
- leave a forwarding address or other contact details with the operator

## **Checklist for operators:**

### **Before the commencement of a 12 month occupancy**

- if there is to be a written agreement, prepare the occupancy agreement
- provide a copy of the agreement to be signed by the resident
- sign the occupancy agreement once it has been signed and returned by the resident
- provide the resident with a copy signed by both parties within seven days
- give the resident a copy of the information booklet and this fact sheet
- give the resident a copy of any park rules

### **At the commencement of a 12 month occupancy**

- complete a condition report (if there is a security deposit) in the presence of the resident
- provide a copy of the condition report to the resident within three business days after the resident takes possession of the caravan
- provide details for paying rent and how to request repairs

### **During a 12 month occupancy**

- keep accurate rent records
- provide rent receipts (unless rent is directly paid into a bank account held by the operator)
- let the resident use the park and all other facilities that their agreement allows
- set reasonable hours for use of other facilities
- respect a resident's right to privacy, peace and quiet
- keep the park clean and safe
- arrange regular garbage collection
- keep all park facilities (including hired caravans) in good condition
- make sure repairs or renovations disturb residents as little as possible

### **At the end of a 12 month occupancy**

- know what to do if a resident leaves property behind
- keep the condition report (if there is one) in case of any disputes
- if there was a security deposit – reach agreement with the resident on any claims on the deposit and return to the resident within seven days

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