



Repairs to an agreement property

The rights and responsibilities of caravan park residents and operators are set out in the *Caravan Parks Act 2012* (the Act).

Responsibilities of operators and residents for occupancies in excess of 12 months

The operator is responsible for ensuring that the agreement premises and ancillary property are in a reasonable state of repair at the beginning of the occupancy and is maintained throughout the occupancy.

If repairs are required, the resident must notify the operator verbally or in writing. Notification of the repairs should be given as soon as practicable after the resident becomes aware that repairs are needed.

Residents arranging repairs for occupancies in excess of 12 months

The resident must first notify the operator in writing that repairs are required.

If within seven business days of being given written notice, the operator has not made the repairs, or notified the resident of arrangements made to carry out the repairs, the resident may have the repairs carried out subject to certain conditions.

A resident should seek advice from Consumer Affairs, the Tenants Advice Service or a legal practitioner before arranging to carry out repairs on the agreement property.

Only under certain circumstances can the resident arrange repairs and seek reimbursement from the operator, these include:

- when the premises or ancillary property are uninhabitable or unsafe
- if the repairs are not made and there is a reasonable possibility of damage occurring to the premises or ancillary property
- when the premises or ancillary property are likely to become unsafe, uninhabitable or unsecure
- if the operator notifies the resident of arrangements made to carry out the repairs, but the repairs have not been made within 21 days of the resident's original notice to the operator

If the resident is permitted to make repairs under these provisions and the operator has nominated a particular repairer for that type of repair, the resident must take all reasonable steps to engage the nominated repairer.

The resident can only claim costs that are less than or equal to two weeks rent.

The operator can nominate repairers

An operator may nominate specific repairers to be used for various types of repairs. This can be stated in the occupancy agreement or by written notice to the resident.

When there is a nominated repairer the resident must use their services, except when they are not available. Quotes must be obtained and where possible the repairer with the lowest cost should be engaged.

To have repairs completed by a person who isn't the nominated repairer the resident must be able to prove:

- that they couldn't engage the nominated repairer to complete the repairs in a reasonable time and
- that they obtained quotes from two other repairers and have engaged the lowest quotation

Emergency repairs

If a resident requires emergency repairs, they should notify the operator in writing of the requirement. If the repairs have not been made within five days of the operator receiving the notice, or the operator has not notified the resident of arrangements made to have the repairs carried out, then the resident can apply to the Commissioner for an order that the operator undertake repairs within a certain period of time. This only applies if the repairs required are emergency repairs.

Emergency repairs include:

- a water service that provides water to the agreement property that has burst
- a blocked or broken lavatory system on the agreement property
- a serious roof leak
- a gas leak
- a dangerous electrical fault
- flooding or serious flood damage
- serious storm, fire or impact damage
- a failure or breakdown of the gas, electricity or water supply to the premises
- a failure or breakdown of an essential service or appliance on the premises for water or cooking
- a fault or damage that makes the premises unsafe or unsecure
- a fault or damage that is likely to injure a person, damage property or unduly inconvenience a resident

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