

EMERGENCY RESPONSE REGULATION: general increase day between 19 March and 24 May 2020

IMPORTANT NOTE

This factsheet only applies to a [Form 12 General Increase Notice](#) given between 19 March and 24 May 2020. You can find the general increase day under 'Key dates' at the bottom of page 2 of the Form 12 that the park owner issued to you. If you were given the Form 12 on a date outside this timeframe, please see our [other factsheets](#) covering periods between 25 May and 31 December 2020.

NEW LEGISLATION

The [Manufactured Homes \(Residential Parks\) \(COVID-19 Emergency Response\) Regulation 2020 \(Qld\)](#) (Emergency Response Regulation) became law on Friday 25 September 2020.

The Emergency Response Regulation will apply to home owners in residential parks in Queensland whose site rent increased (or was proposed to increase) on the basis of a market rent review between 19 March and 31 December 2020. The way it applies to home owners differs, depending on the date the Form 12 General Increase Notice was given and the general increase day in the Form 12.

If the general increase day was between 19 March and 24 May 2020, the Emergency Response Regulation gives you another opportunity to dispute the increase, but only on limited grounds.

Under a market rent review process, the park owner or a registered valuer must consult with the home owners committee or, if there is no home owners committee, with a proportion of the home owners affected by the proposed increase.

The Emergency Response Regulation says that you can dispute the increase if you think the

increase was excessive **and** you consider that there was insufficient consultation by the park owner or the valuer due to:

- social distancing requirements under a public health direction
- you (the home owner) being unable to participate in the consultation because of the COVID-19 emergency
- you (the home owner) being unable to receive legal advice about the dispute because of the COVID-19 emergency.

If you wish to dispute the increase, you must give a [Form 11 Dispute Negotiation Notice](#) to the park owner by **20 November 2020**. This starts the dispute resolution process.

You can find more information about the three-stage dispute resolution process in our [factsheets regarding dispute resolution](#) and can seek legal advice from the Queensland Retirement Village and Park Advice Service (QRVPAS) about this process. The Emergency Response Regulation makes it clear that the initial dispute resolution meeting can be by audio or audio-visual link, which means you can meet by telephone or use a video chatting application such as Skype.

WHAT IF THERE IS DISPUTE RESOLUTION ABOUT THE MARKET RENT REVIEW ALREADY UNDERWAY?

If there is a dispute about the market rent review that has completed the first dispute negotiation stage or is at the mediation or hearing stage in the Queensland Civil and Administrative Tribunal (QCAT) and you are either a party (meaning you

are already involved) or want to join the dispute, we recommend you seek advice from QRVPAS about your options.

In some circumstances, the Emergency Response Regulation allows you to progress more quickly through dispute resolution for example by joining an existing mediation or hearing in QCAT. However, you will have obligations to notify QCAT and the park owner about your involvement, and should seek legal advice before taking this step.

WHAT IF QCAT HAS ALREADY MADE A DECISION ABOUT THE MARKET RENT REVIEW?

If QCAT has already made a decision about the market rent review, whether you were a party to this case in QCAT or not, you may be able to skip the first two stages of dispute resolution and apply to QCAT for a hearing. We recommend seeking legal advice before applying to QCAT.

You can find more information about the process in QCAT in our factsheet *Park Site Rent Increase—Market Review*.

FURTHER INFORMATION

The explanatory note to the Emergency Response Regulation provide a plain-English overview:

www.legislation.qld.gov.au/view/pdf/published.exp/sl-2020-005?

The Queensland Government has released information on 'Rent increases during COVID-19' on their Business Queensland website:

www.business.qld.gov.au/industries/service-industries-professionals/housing-accommodation/managing-manufactured-homes/rent-increases-covid-19

Caxton Legal Centre Inc.
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1 Manning Street
South Brisbane Qld 4101

Telephone: (07) 3214 6333
Facsimile: (07) 3846 7483
Internet: www.caxton.org.au
Know Your Rights! www.queenslandlawhandbook.org.au

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