



Park Home Owners Assoc. WA Inc

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www.parkhomeowners.com.au

Representing all permanent residents living in parks in Western Australia
 In pursuit of the joie de vivre



6th August, 2009.

Dr. M. Nahan MLA, Chairman,
 Economics and Industry Standing Committee,
 Legislative Assembly,
 W.A.

Dear Doctor Nahan,

Further to our (Park Home Owners Association) submission and subsequent evidence provided at the hearing on the 27th July 2009. We have forwarded to your Committee a few more items which you might find of interest, in particular the letter from Mr. and Mrs. George.

I would like to reiterate what was written in the transcript. It is our (P.H.O.A.) wish, that the people who are Permanent Residents in Caravan Parks are given a fair deal. They will never be given a fair deal whilst the 'Eviction Without Reason' remains in the Residential Parks (Long Stay Tenants) Act.

We understand why the clause was in the Residential Tenants Act, to protect the landlord from undesirables when the tenant rented both the home and land. However, I would suggest the majority of Permanent Park Dwellers are not undesirable Home Owners - (albeit you might have come across some slum properties which we are unaware of) - but responsible mature tenants who rent the land and should not have the regular fear of eviction directed at them.

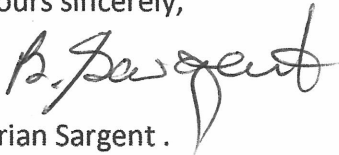
We feel there are adequate clauses in the Act to remove unwanted persons from the site. The landlord has plenty of opportunity to vet potential tenants and of course there is the Site Agreement and Policy to support the landlords should they be enterprising enough. As a matter of fact, we do accept that the landlord is entitled to run his business efficiently.

Over the years Caravan Park dwellers have been given some form of tenure on a handshake agreement. Since the Act was introduced this good will has long gone. The tenants are not getting what they want in the way of tenure security. We would suggest the Security of Tenure is not a lot to ask for, especially as some homes have been purchased at great expense and even if they were not so pricey, surely there is a moral obligation which should be afforded to those Residents who have lived in their homes in the same park loyally and amicably for so many years.

What is needed for the majority of people living permanently in Caravan Parks is the security of Long Term Lease, Fixed Term between 1 and 10 years and renegotiable after the term. There are those who might only want a Periodic Lease but they should have the right to choose.

At this stage it is only the Government who can help in this dilemma by essentially in the short term, looking at amending the act to suit both the Landlord and the Tenant and in the long term look at differentiating between Residential Parks and Tourist Parks and releasing land for Residential Parks with a fair, to both sides, leasing arrangement. This has been mooted by Government Departments for some years, so we have been told, but no one has listened. We trust this is not to be the case today and that the traumatized Residents will be able to enjoy the remainder of their years in the lifestyle they choose.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'B. Sargent', with a stylized flourish at the end.

Brian Sargent .

For and on behalf of:-

Park Home Owners Association (WA) Inc.

11 Jun. 09

PHOA

This is for your parliamentary submission.

In Jan08 I was elected as the permanent resident's representative at the Hidden Valley Caravan Park Kununurra for the future PLC. My election along with Janice Jennings was communicated in writing to the park owner who is the operator. I called a residents meeting in Feb08 and along with a few problems raised it was asked from a resident why a PLC had not been formed. I advised the meeting that it was the park operator who calls for this to be formed and I will write to him stating this. I drafted a letter to the park operator which was typed out by Janice signed by me then Janice delivered the letter at approx 9.30am that day and at 12.30pm the park operator handed my notice to Terminate without reason.

In utter shock I approached our local TAS and put in a formal complaint as did several other tenants. I also pursued our problem through the local member Carol martin. The local DOCEP was of little help because the park operator had used their services first.

I applied to SAT for an early settlement of this with urgent circumstance clause but this was rejected via a phone hearing with SAT and my eviction was to stay in place for the 6 months notice.

I didn't have a complaint to a public authority ie DOCEP or council so my defence was only the fact that the operator had acted out of retribution because he took exception to the letter I wrote to him stating it was his job to call for a meeting to form a PLC. Which he did the next day after he handed my eviction notice.

I didn't move out on the due date Aug08 and the park operator proceeded to apply to SAT to enforce my eviction. I advised SAT that I would be appealing my eviction and a directions hearing was set.

Via a phone conference the SAT commissioner set a date for a video hearing at the Kununurra district court and was frustrated with not being able to see me and advised me to obtain legal representation for this session. This I tried through prepaid legal but no firm was available on short notice with knowledge of the ACT.

As part of the directions hearing was the mediation step. The SAT commissioner performing this put me on hold to speak to the park operators legal representative. When my turn came to speak to the mediator he informed me that the park operator doesn't want to mediate and my eviction is the bottom line. I said all I wanted was to stay for another 10 years. The mediator then told me " even if I win this case as I walk out of the courthouse he could hand me another termination without reason ". Well this just flawed me.

My wife's health and my blood pressure couldn't go through this again. The best I could do was an extra 3months due to the lack of accommodation in town. And no eviction recorded on my file which can be accessed by the public.

1. Due to my eviction no other residents are game enough to be part of a PLC nor do they raise any issues within the park for fear of eviction.
2. I have been banned from entering the park to visit friends.
3. Because I pursued my action through TAS no complaints to a public authority were available for my defence.
4. Regional DOCEP knowledge and help is limited.
5. Prepaid legal firms do not have the background with the ACT, CIA use the solicitors that helped them draft the ACT and have a distinct advantage.
6. SAT personnel are very conscious and concerned with our plight under the act and are as helpful as they can be.

7. I was told by a resident that my case cost the park operator close to \$10.000 in legals but I can only hope.
8. My ambition was to retire in a caravan park or lifestyle village because of the close family of friends that are formed. But with Termination without reason in the ACT this won't happen.
9. I have resigned as park representative and no longer live in a park but still live in a caravan, Jude and I continue to keep informed by the PHOA. If I cannot continue to be a member please advise me. If you need more information on my case please ask via email.

Yours truly,
Peter Brandner and Judy George