



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

Dr. Michael Nahan MLA, Chairman,
Economics and Industry Committee – Legislative Assembly



Thursday 23rd. April 2009.

Dear Doctor Nahan,

I am writing on behalf of the Park Home Owners Association, the Association recognized by Parliament to represent the people living permanently in Caravan Parks in Western Australia.

I trust the Standing Committee will allow a certain amount of preamble before a Submission is presented.

There are many people (last count approx. 9000) who live and many who have lived a good few years permanently, in Caravan Parks. The majority of these Park dwellers are reliable stoic people, who over the years have been of great benefit to the Park Owners. They have been of benefit to the Owners because of their reliable, responsible and honest attitude living in their own home sited on rented land precariously, with only a hand shake agreement. Both Parties were guided by the Residential Tenancies Act 1987 and although the Act covered the renting of both the house and land the relationship between Tenant and Owner seemed to prevail moderately well for some considerable years until the introduction of the Residential Parks (Long Stay Tenants) Act 2006. The very words 'Residential Parks' gave tenants great anticipation of better things to come. The Owner is running a business, there is no question from the tenants that a profit is needed to survive. This is of course recognized and encouraged by the tenants particularly, as they are not unintelligent and because of their desire to continue living in the particular lifestyle they have chosen. The Owner should be allowed to run his business and benefit by receiving a good standard of living. However, to subsidize this standard of living there is a limit as to how much rent for a small plot of land the tenant can be expected to pay, especially as the tenant is now retired, living on a pension and in some cases living on a single pension.

Today because of the continual pressure from the Landlords requiring continual rent rises coupled with regular intimidation towards the Tenant, the added threat of eviction without reason and with nowhere to go, a petition of 1000 or more signatories indicating their grievance was presented to Parliament and as we understand it, helped in the lead up to the Economics and Industry Standing Committee inquiry. It was understood that the

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Residential Parks (Long Stay Tenants) Act 2006 would help the Permanent Park Dweller to survive, the reverse is the case. The only advantage gained from the Residential Parks Act was for the Park Owner.

This leads into the Park Home Owners submission to have the Act amended.

We (The Permanent Residents living in Caravan Parks) represented by the Park Home Owners Association W.A. (Inc.) submit to the Economics and Industry Committee inquiry that our concerns are seriously taken into account when investigating.

We say that the Caravan Park Industry as a whole is not treating their Permanent Tenants fairly and when the Structure, Conduct and Performance of the Caravan Industry is investigated this will be shown. The majority of Tenants we (Park Home Owners Association Committee) receive calls from, have been proffered only Periodic Leases. This means no compensation if evicted. The Tenants are living in an intimidating lifestyle, fearful of **eviction without reason** – a clause in the Act which we say must be removed.

The Australian environment in general is conducive to the Caravan / Trailer / Park Home type of living and our feed back indicates there would be great demand for this type of lifestyle if the trends were to be less one sided and costs were attuned to the standards offered on each site.

We say, the Act needs to be amended to recognize and differentiate between the Long Stay Tenant and the Short Stay Tenant.

The Long Stay Tenant – who own and most likely have owned their homes for years and rent only the plot the home stands on as a Permanent Tenant (Resident) in Caravan Parks or Lifestyle Villages etc.

Short Stay Tenant – the tourists, holiday tenants who usually stay a couple of weeks or overnight, renting the Owners Caravan / Lodge /Cabin established on the Owners land. Investigation will confirm whether or not Owners are removing Permanent Park dwellers since, and because of the Residential Parks Act 2006. The long term security of tenure and reasonable affordability which was anticipated is not forthcoming.

We say that a Fixed Term Lease should be offered to all Permanent Park dwellers and that the period should be a matter of negotiation between Owner and Tenant. Many Caravan Parks are operating with a 60 year Lease and there is one at least operating with a Lifetime Lease. This may not be feasible for all sites. However, a negotiation clause which would include renewal options, could benefit both parties, but would need to be at least one to ten years written contract.

We also say that adequate relocation compensation must be paid to the evicted tenant. Prior to the sale /rezone or upgrade of the site, the compensation fees must be agreed between Owner and Government. Allocation needs to be seriously considered for any eviction, there is nowhere at present for the evicted to relocate. With the understanding that the preference for the Permanent Park dwellers would be to remain in similar lifestyles, the Government will need to release land for the purpose of Residential Parks within *reasonable* distance to the existing sites.

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As far as protecting the rights of Tenants, your term of reference (4) this is desperately needed and in particular rent control.

I trust we have been able to submit our views and grievances in the manner according to protocol. We have no legal means of support; we are merely people who have enjoyed this type of Lifestyle and wish to continue to do so amicably and fairly. We realize it is only the Government who can help us.

We would like our Association to be able to present ourselves at the hearing if possible.

Thanking you in anticipation.

Yours truly,

A handwritten signature in cursive script that reads "B. Sargent". The signature is written in black ink and is positioned above the printed name.

Brian Sargent
President.

For and on behalf :-

Park Home Owners Association W.A. (Inc.)