

Fact sheet

Moveable dwelling tenancy agreements

The *Residential Tenancies and Rooming Accommodation Act 2008* (the Act) is the law that governs renting a place to live in Queensland. It states what must be included in every tenancy agreement covered by the Act.

A *Moveable dwelling tenancy agreement* (Form 18b) gives a tenant the right to occupy a moveable dwelling for residential (not holiday) purposes. The agreement sets out the terms that apply to the tenant's stay when renting a caravan site, caravan, manufactured home or other type of moveable dwelling.

The form used for the agreement depends on the length of the tenant's stay. For short tenancies, the owner/manager must use a statement they develop themselves. For long term tenancies, a *Moveable dwelling tenancy agreement* is used. A blank *Moveable dwelling tenancy agreement* is available from the Residential Tenancies Authority (RTA). Both tenants and owners/managers must abide by the terms of the agreement.

Types of tenancy agreements

An agreement can be:

- a short tenancy statement, which means it is for no more than 42 days
- a long term tenancy agreement, also called a *Moveable dwelling tenancy agreement*. This type of agreement can be:
 - a fixed term agreement for a set period, such as six or twelve months, or
 - a periodic agreement, which has no set ending date and operates on, for example, a fortnight to fortnight basis.

Short tenancy statements

A short tenancy runs for up to 42 days. The tenant and owner/manager must sign a statement that the tenancy is to be a short tenancy, otherwise it will automatically be considered a long tenancy. There is no prescribed form for this statement, and most owner/managers design their own.

It is possible to extend a short tenancy statement for another 42 days. However, the agreement can only be extended during the initial 42 day period of the tenancy and can only be extended once. If the tenancy continues after this time, the Act will apply as if the tenancy was a long term tenancy.

An owner/manager must not place undue pressure on a tenant to extend a short tenancy to avoid full coverage under the Act. A tenant who feels the owner/manager has placed undue pressure on them can apply to the Tribunal to set aside the short tenancy statement.

Long term tenancy agreements

A long term tenancy agreement is written on a *Moveable dwelling tenancy agreement*. Under the Act, long term agreements must be in writing. They must:

- be clearly written
- contain all standard terms and any special terms (provided they comply with the Act)
- give the owner's/manager's name, address and phone number
- give the tenant's name and phone number
- give the name of any person the owner authorises to stand in their place in agreed situations. The owner must give the tenant written notice of any changes within 14 days
- state how much rent is to be paid and how and when it is to be paid

- state the ending date for fixed term agreements, and
- be signed by all parties.

Owners/managers may also identify a nominated repairer in the tenancy agreement to act on their behalf if emergency repairs are required.

Holding deposits and tenancy agreements

Prospective tenants may be asked for money to place a hold on a moveable dwelling they wish to rent. Tenants cannot be asked to pay a holding deposit until they have been given a copy of the proposed agreement along with any special terms. For more information on holding deposits refer to the *Rent payments and holding deposits* fact sheet.

Owner/manager responsibilities when agreements are signed

The owner/manager is responsible for:

- meeting all the costs of preparing the moveable dwelling agreement
- ensuring the correct form is used and completed
- providing a copy of the proposed agreement with the park rules and any relevant bylaws to the tenant before they sign it. Once the tenant signs the agreement, they must return it to the owner/manager within five days. The owner/manager has 14 days to give a copy of the signed agreement to the tenant
- ensuring that, when an agreement is signed, there are no legal problems that would prevent the tenant from living in the moveable dwelling for the length of the tenancy. This applies only to legal problems the owner/manager knew about when the agreement was signed, and
- ensuring the moveable dwelling or site is in a good state of repair and ready for the tenant to move into on the agreed date.

Paperwork required when agreements are signed

The owner/manager must provide the tenant with:

- a copy of *Pocket guide for tenants - caravan parks* (Form 17b)
- a signed *Entry condition report – moveable dwelling/site* (Form 1b) for the moveable dwelling (unless it's a short term tenancy agreement).

The tenant then has three days to sign the *Entry condition report – moveable dwelling/site* and note any disagreements on the report. The tenant should return the signed *Entry condition report – moveable dwelling/site* to the owner/manager who must then give a copy of the finalised report back to the tenant. The owner/manager must keep a copy of the report until at least one year after the tenancy ends.

If the owner/manager takes a rental bond, they must complete and sign a *Bond lodgement* (Form 2), then lodge it and the bond money taken with the RTA within 10 days.

Owner/managers who fail to provide their tenants with copies of the required paperwork face penalties under the Act, as do tenants who fail to complete and return an *Entry condition report – moveable dwelling/site*.

Breaching the terms of a tenancy agreement

If either party to the agreement doesn't act in accordance with the terms of the agreement, or the Act, it may be considered a breach. The Act outlines processes to follow when a breach has occurred, including possible ending of the agreement. For more information see the Dispute resolution page on the RTA website.

Ending tenancy agreements

Tenancy agreements can only be ended in accordance with the Act. For more information see the *Ending a tenancy agreement* fact sheet.

Further information

For more information contact the Residential Tenancies Authority on 1300 366 311.

Accessing RTA forms

The RTA's forms can be obtained electronically or in person by:

- rta.qld.gov.au
- 1300 366 311
- Level 23, 179 Turbot St Brisbane



If you need interpreting assistance to help you understand this information, contact TIS on 13 14 50 (for the cost of a local call) and ask to speak to the Residential Tenancies Authority (RTA).

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Disclaimer

This fact sheet is prepared for information only. The Residential Tenancies and Rooming Accommodation Act 2008 is the primary source on the law and takes precedence over this information should there be any inconsistency between the Act and this fact sheet.