

Info Sheet 8

Residential Parks Applications

Dispute resolution - Do you need help?

Residential parks are home for many Western Australians. From time to time situations arise where long-stay tenants or park operators may need the assistance of the State Administrative Tribunal (SAT) to resolve disputes. This Info Sheet provides information on making an application to SAT to resolve a dispute under the Residential Parks (Long-stay Tenants) Act 2006 (the Act).

SAT can make legally-enforceable orders that are binding on all parties to the dispute.

Important steps before applying to SAT

It is essential that you understand and follow all the steps required to seek an order from SAT. To help you correctly make your application, obtain a copy of the Act or seek advice from an appropriate organisation involved in residential parks, or a legal practitioner, to learn what these steps are.

A list of organisations involved in residential parks is available at the end of this document.

Failure to comply with any of these steps and, in particular, to give notice to the other party, may result in your application being dismissed by SAT.

Time is important

The Act frequently requires that the date on which an event can occur or when a particular action may be required must be 'at least' a number of days after a notice is given. The legal effect of this is that the time does not include the day on which the notice is received and the last day of the required notice period. This means there must be the stated number of clear days between the two events.

If the notice which has been given is even one day short of that required, the application will have to be dismissed.

Always allow more than the minimum time provided for under the Act and allow time for delivery by post if the notice is to be mailed.

If you have correctly followed the necessary steps and if the other party does not address the complaint satisfactorily, your application can be made to SAT.

Commencing your application

1. You must provide all the information requested in the application form and attach a copy of the following documents:
 - proof of tenancy; and
 - any documents you consider relevant to the dispute.
2. File the application, including all the attachments, with SAT.
3. A copy of the application must be served by you immediately on the other party. This means giving the documents to the party personally. If the other party is a corporation, the document must be left with an officer, or employee who appears to be 16 years or older, at either:
 - the registered office;
 - the principal place of business; or
 - the principal office.

If you are unable to serve the documents in this way, you should do the best you can to ensure the other party is likely to receive the documents and explain this to the SAT member hearing the matter.

If the member is not satisfied with what you have done, the matter will have to be adjourned for service to be carried out properly.

How do I get an application form?

You can complete an application form:

- using the Application Wizard on the SAT website at www.sat.justice.wa.gov.au
- in person from SAT
- by requesting a form by telephone and one can be mailed to you.

The procedure after filing and service of the application

SAT is not a court. All hearings are conducted in a relatively informal way and the SAT member conducting the proceedings will ensure that the parties are given a fair opportunity to present their case. If a party cannot attend the hearing in person, arrangements can be made for a telephone or video link at the nearest court.

In most cases a directions hearing will be held about 14 days after the application has been lodged. The purpose of the directions hearing is to enable the member to get a proper understanding of all the issues, including the basis upon which the other party may oppose the application.

If there is no opposition to the application and the requirements of the Act have been met, a final decision may be made on the documentation provided. Otherwise the Member will direct what steps need to be taken to get the matter ready for a final hearing.

If there is opposition to the application, the SAT Member may:

- direct that the matter be referred to mediation that morning and that if the mediation is unsuccessful that a final hearing be held that afternoon;
- direct that the matter proceed to a hearing that afternoon; or
- direct that particular steps be carried out by the parties to enable either a mediation or final hearing to occur at a later date.

The notice of the directions hearing will inform the parties that any documents they wish to rely on must be filed with SAT prior to the hearing date.

Mediation

Mediation is an informal process in which a neutral third party assists the parties to reach a mutually acceptable settlement. SEE SAT Info Sheet 'Mediation' for more information.

If the application must be dealt with more urgently, arrangements will be made for the matter to be listed on the earliest suitable date. If you want SAT to make an urgent decision, it is very important to make sure all documents are attached to the application, and that the application and supporting documents have been served on the other party. The matter may have to be adjourned if this is not done.

Organisations involved with Residential Parks

- **Tenancy WA**
Phone: 9221 0088
- **Department of Mines, Industry Regulation and Safety**
Consumer Protection
Phone: 1300 304 054
Living in a residential park webpage:
<http://www.commerce.wa.gov.au/consumer-protection/living-residential-park>
- **Caravan Industry Association WA**
Phone: 9358 5622
- **Park Homeowners Association**
Email: phoawa@gmail.com