

# Notice to remedy breach of agreement

*Residential Parks Act 2007*

## Form A

### Notice of termination – For use by park owner

<b>Resident's name</b>	
<b>Address of rented property</b>	Site number, name and street address of residential park

**I hereby give you notice that you are in breach of the agreement that relates to the rented property.**

The breach is as follows:

*(Include enough details so that the resident receiving this notice will know exactly what the breach is.)*

You must remedy the breach as follows:

*(Include enough details so that the resident receiving this notice will know exactly what has to be done to remedy the breach. If insufficient space, attach a separate sheet.)*

**You must remedy this breach within                      days from the date on which this notice is given to you.**  
*(insert number of days to remedy breach – i.e. 14 days tenancy agreement / 28 days site agreement)*

If the breach is not remedied within this period, then –

- (1) The agreement is terminated by force of this notice; and
- (2) You must give up possession of the rented property on or before:            /            /  
*(insert date as per information on page 3)*

<b>Park owner's contact details</b>	Name	
	Telephone	Mobile
	Email	

<b>Park owner's signature</b>	
Signature:	
Date:	/          /

Note: If two or more persons are residents under an agreement, the notice can be given to any one of them.

This notice was served on *(insert date)*            /            /            by:

Personally handing it to the resident

Mailing it to the resident

Placing it in the resident's letterbox

Other – *please specify*

## Information for the resident

1. You may at any time after receiving this notice, while remaining in possession of the rented property, apply to the South Australian Civil & Administrative Tribunal (SACAT) for an order –
  - (a) declaring that you are not in breach of your residential park agreement or that you have remedied the breach within the notice period;
  - (b) reinstating the agreement.
2. If you do not remedy the specified breach, or do not apply to SACAT, the agreement will be terminated. The park owner is then entitled to vacant possession of the rented property. If you do not give vacant possession, the park owner may apply to SACAT for an order that you vacate the rented property.
3. When you vacate the rented property, you should:
  - Leave it in a reasonable condition and in a reasonably clean state. Otherwise, the park owner may recover from the bond, or from you directly, the costs of cleaning the rented property, removing any rubbish, and so on.
  - If possible, you should agree on how the bond should be paid. If you do agree, both of you should complete and sign the residential park bond refund form and lodge it with Consumer and Business Services (CBS). Make sure that your forwarding address is included on the form so that all or part of the bond, or any future correspondence, can be sent to you. If an agreement cannot be reached, you should contact CBS on 131 882.
  - Provide your forwarding address to the park owner.
  - Ensure that you leave any keys or devices that have been provided to you at the beginning of the agreement with the park owner.
  - If necessary, notify the electricity, gas and phone companies, etc, so that any new residents do not use gas, electricity and the telephone on your accounts.

## Information for the park owner

Please refer to Part 9 of the Residential Parks Act 2007.

1. If the sole basis for this notice is **failure to pay rent** under the agreement –
  - (a) the rent (or part of the rent) must have remained unpaid for at least 7 days past the date the rent was due before the park owner can give this notice to the resident.
2. When completing the notice:
  - (a) the period the resident is allowed to remedy the breach (as specified on page 2) must be:
 

14 clear days for residential park tenancy agreements or 28 clear days for residential park site agreements. The period commences after the day (not on the day) the resident receives, or is expected to receive this notice.
  - (b) the date specified on page 2 for the resident to give up possession of the rented property is the next day after the period given to remedy the breach.

Examples –

#### **Tenancy agreement**

- Notice to remedy breach served personally on Wednesday 1 March:
  - 14 days to remedy the breach (i.e. 2 - 5 March)
  - The earliest date for possession is 16 March.
- Notice to remedy breach posted on Wednesday 1 March. If posted in the metropolitan area the notice would be received by the resident on 2 March:
  - 14 days to remedy the breach (i.e. 3 - 16 March)
  - The earliest date for possession is 17 March.

#### **Site Agreement**

- Notice to remedy breach served personally on Wednesday 1 March:
  - 28 days to remedy the breach (i.e. 2 - 29 March)
  - The earliest date for possession is 30 March.
- Notice to Remedy Breach posted on Wednesday, 1 March. If posted in the metropolitan area the notice would be received by the resident on 2 March:
  - 28 days to remedy the breach (i.e. 3 - 30 March)
  - The earliest date for possession is 31 March.

3. If the agreement is terminated by this notice because the resident does not remedy the breach, you cannot enter the rented property to take possession unless –
  - (a) the resident has voluntarily given up possession of the rented property; or
  - (b) you are authorised to take possession of the rented property by an order of a court or SACAT. To seek an order of the tribunal for vacant possession, you will need to lodge an application with SACAT.
4. You may serve this notice on the resident, or an agent of the resident –
  - (a) personally; or
  - (b) by sending it by post addressed to the person at his or her last known place of residence, employment or business; or
  - (c) by leaving it in a letterbox or other place where it is likely to come to his or her attention at his or her last known place of residence, employment or business.
5. If two or more persons are residents under an agreement, the notice can be given to any one of them.
6. If the whereabouts of the resident is unknown, the notice may be given by publishing it in a newspaper circulating generally throughout the State.

**You should retain a copy of this notice.**