

Applications about Residential Parks disputes

Steps you should take if you have a dispute with a residential park operator

You may seek to resolve your dispute with the park operator before applying to SACAT.

It may be useful to raise the matter with a residents committee. If the committee chooses to raise an issue with the park operator, then the operator must consider these issues and make a written response to the committee as soon as possible (within one month after receiving the complaint or a longer period agreed by the residents committee).

When and why would an application be made to SACAT about a residential park dispute?

SACAT has exclusive jurisdiction to deal with a residential park dispute (where the amount of the dispute is < \$40,000).

If a resident and park operator are unable to resolve a dispute, then either of them may apply to SACAT for the determination of the dispute.

What types of disputes can be taken to SACAT?

The more common types of residential parks disputes brought to SACAT include:-

- Unreasonable park rules
- Excessive proposed rent increases
- Harsh or unconscionable terms of a residential park agreement
- Breach and termination of a residential park agreement
- Termination of an agreement where there is a change of use or redevelopment

SACAT cannot hear and determine monetary claims that exceed \$40,000 except with the written consent of the parties.

What can SACAT do in response to an application?

SACAT has powers to make various orders to resolve a residential parks dispute. You should be able to identify what you would like SACAT to do to resolve your dispute.

What documents should be provided in a residential park dispute?

The types of documents you provide to SACAT will depend on the type of dispute. You generally should provide:

- A copy of your residential parks agreement
- A copy of all the correspondence between the resident and operator about the dispute

See also: [SACAT's factsheet](#) about providing documents in a dispute.

What can you do if you are dissatisfied with a SACAT decision about your residential parks agreement?

If you are unhappy with a decision made by SACAT in relation to a residential parks dispute, you have two options depending on the reason you want SACAT to review the decision.

Applying for a review for non-attendance

If you were unable to participate in a Tribunal hearing for good reason, and you were unable to be represented in that hearing (for a good reason), then you may apply for a Tribunal order to be reviewed on that basis.

Applying for an internal review

If you disagree with a decision of SACAT (eg the Tribunal has ordered too much or too little compensation, the decision is 'unjust' or 'unfair' or wrong), then you may apply for an internal review of the decision.

Other examples include:

- If you think the Tribunal's decision about whether or not a term of a residential parks agreement is harsh or unconscionable, is wrong
- If you think the Tribunal has incorrectly excused non-compliance with the Residential Parks Act
- Where you have further information to provide to the Tribunal (and that information was not available at the time of the original hearing or there is a good reason why it was not provided)
- If you think the Tribunal placed undue emphasis on the evidence provided by the other party, or the evidence provided by that party was false or misleading.

This application must be made within **1 month** of the Tribunal order (although the Tribunal has the power to accept late applications in certain circumstances).

Fees

You must generally pay a fee when you make an application to SACAT. However, this depends on the type of application you are making and your role in the matter.

The online application form will tell you the applicable fee for your application. You must pay this fee at the time of making your application or you may make an application for the fee to be waived.

SACAT will not do anything with your application until any applicable fees have been paid or waived.

Further information about SACAT fees and charges is available at our website, [Fees and charges](#) and [Fee waivers and exemptions](#).

How do I apply to SACAT?

All applications to SACAT are completed through our online application form which you can find at our website: www.sacat.sa.gov.au.

All the information you are required to provide will be contained in the online application form.

If you are unable to complete the form online, you can contact the Tribunal for assistance on 1800 723 767. You can also visit SACAT's offices at Level 4 or 7, 100 Pirie Street, and use a computer at one of SACAT's public kiosks.

Contact the Tribunal

If you would like to speak to a staff member about a residential parks dispute or a decision about a residential parks dispute, please telephone SACAT on 1800 723 767 (select option 4 and then option 1).

This information sheet does not constitute legal advice and does not relate to the circumstances of any individual matter. If you wish to have legal advice you should seek that independently.