

# RESIDENTIAL PARKS ACT 2007

## Form E

### Section 95 - Serious acts of violence

#### Notice of exclusion

*(for use by park owner\*)*

**To:** .....  
*(insert name of resident)*

**of:** .....  
*(insert address of rented property)*

**I hereby give you notice that you are being expelled from the park:**

**(Tick appropriate box/boxes below)**

- you have committed a serious act of violence in the park
- you have put the safety of another or other persons in the park in danger
- I will be lodging an application with the South Australian Civil & Administrative Tribunal (SACAT) to have your residential park agreement terminated.

**You must vacate the park immediately and must not return until ...../...../.....**

*(insert date resident allowed to return as per section 96(2) of the Act on page 2 of this form; ie: 2 clear business days or 4 clear business days<sup>1</sup> if the park owner\* intends applying to SACAT for termination of the agreement)*

Park owner's\* signature: .....

Park owner's\* contact details: .....  
.....

Date notice served: ...../...../.....

## Important notes for residents:

Section 44 of the *Residential Parks Act 2007* provides that a resident is responsible for the behaviour of any person at the rented property at the invitation, or with the consent, of the resident.

If you believe that you have not committed the alleged offence outlined above, lodge an urgent application with SACAT requesting an order:

- that you be allowed to resume occupation of the rented property, and
- (if applicable) that the park owner be ordered to compensate you for any rent paid during the exclusion period, and
- (if applicable) that the park owner be ordered to compensate you for the (reasonable) expenses you incurred during the exclusion period.

**If the park owner intends lodging an application with SACAT to have your agreement terminated, you must contact the Tribunal Registry on 131 882 and advise the Deputy Registrar of your contact details so that you can be notified of the date and time of the hearing.**

<sup>1</sup>“clear days” does not include the day the resident receives or is expected to receive this notice.

### *Residential Parks Act 2007*

#### “Part 10 – Serious act of violence

95—Park owner may give person notice to leave for serious act of violence

- (1) A park owner may give a resident a notice to leave the residential park immediately if the park owner has reasonable ground to believe that –
  - (a) a serious act of violence by the resident has occurred in the park; or
  - (b) the safety of any person in the park is in danger from the resident
- (2) A park owner may give a person permitted on rented property with the consent of the resident (a **resident's visitor**) a notice to leave the residential park immediately if the park owner has reasonable grounds to believe that –
  - (a) a serious act of violence by the resident's visitor has occurred in the park; or
  - (b) the safety of any person in the park is in danger from the resident's visitor.
- (3) A notice to leave under this section must be in the form approved by the Commissioner.
- (4) A notice to leave under this section must be given as soon as it is possible for the park owner to safely do so after the serious act of violence has occurred or the safety of a person in the park has been endangered.
- (5) A park owner must not give a notice under this section, or a document that purports to be a notice under this section, unless the park owner has reasonable grounds to believe that –
  - (a) a serious act of violence by a resident or a resident's visitor has occurred in the residential park; or
  - (b) the safety of any person in the residential park is in danger from a resident or a resident's visitor.

Maximum penalty: \$1 250

- (6) A person who has been given a notice to leave a residential park under this section must not remain in the park after receiving the notice

Maximum penalty: \$1 250

#### 96—Exclusion from park for certain period

- (1) A resident who is given a notice to leave under this Part must not enter or remain in the residential park for the exclusion period.

Maximum penalty: \$1 250.

- (2) In this section—

**exclusion period** means—

- (a) until the end of 2 business days after the notice is given; or
- (b) if an application is made under section 97—
  - (i) until the end of 4 business days after the notice is given; or
  - (ii) if within that period the Tribunal on the application of the park owner so orders, until the Tribunal has heard and determined the application.

#### 97—Park owner may make urgent application to Tribunal

- (1) If a resident is given a notice to leave under this Part, the park owner may apply to the Tribunal for an order that the residential park agreement be terminated.
- (2) An application under subsection (1) must be made within the exclusion period.
- (3) On hearing an application under this section, the Tribunal may—
  - (a) make an order terminating the residential park agreement as at the date of the order and make an order for possession of the rented property; or
  - (b) make an order vesting the residential park agreement in a person who resides or resided on the rented property with the resident; or
  - (c) order that the resident be allowed to resume occupation of the rented property under the residential park agreement.
- (4) The Tribunal may make any ancillary or incidental orders that the Tribunal considers appropriate.
- (5) If the Tribunal orders that the resident be allowed to resume occupation of the rented property under the residential park agreement and is satisfied that there was no reasonable basis for the giving of the notice under this Part, the Tribunal may make 1 or more of the following orders:
  - (a) an order excusing the resident from paying rent in respect of the exclusion period;
  - (b) an order for compensation to be paid to the resident by the park owner for rent paid in respect of the exclusion period;
  - (c) an order for compensation to be paid to the resident by the park owner for reasonable expenses incurred by the resident relating to the exclusion period.

#### 98—Occupation of rented property pending application or hearing

- (1) A park owner must not, during the exclusion period, allow any third person to occupy the rented property.

Maximum penalty: \$1 250

- (2) In this section -

**third person** means a person other than the resident or a person who resided on the rented property with the resident immediately before the notice to leave the residential park was given to the resident.”