

Selling your home on-site

Selling On-site

In most cases you are entitled to sell your home on-site if you wish. It is a clause of the standard residential site agreement.

There are two main exceptions:



If your agreement expressly prohibits on-site sale, and



When your site is in a Crown Reserve or National Park

In these cases you do not have the right to sell your home on-site.

Warning

If you are moving into a residential park, make sure you read the agreement carefully before you sign it.

If you sign an agreement with a clause prohibiting on-site sales, it will be very hard to sell your home on-site if you need to move from the park for any reason such as moving to a retirement village or nursing home. You will have to move the home off the park to sell it. That is expensive and your home could be damaged when it is moved. Your home will not be as valuable off the park as it would be on the park.

Try negotiating with the Park owner on this issue



If you already have an agreement, you cannot be forced to sign a new one when it expires. If you are offered a new agreement, check carefully to see whether it has a clause stopping you from selling on-site.



For Sale Signs

You must tell the park owner if you want to put a "For Sale" in or on your home.

Your agreement may have a clause stopping you from having a "For Sale" sign. Alternatively, it may restrict the size of any "For Sale" sign. If there are no size restrictions in your agreement, you will be bound by any negotiated by the Park Liaison Committee.

Assignment

If the person who buys your home wants to live in the park, you will need to get the park owner's written permission to assign the agreement to the buyer.

The park owner cannot unreasonably withhold consent to the assignment, so long as your home is a manufactured home or a van with a rigid annexe and you are a permanent resident.

Alternatively, the person who buys your home may negotiate a new agreement with the park owner, but this may be at a higher rent.

Park Owners Acting as Selling Agents

You do not have to use the park owner as a selling agent if you do not wish. The choice of agent is yours.

If the park owner acts as your selling agent there has to be a written agreement between you. The agreement must specify the amount of commission, or the way to calculate it.

The park owner is not entitled to a commission on a sale unless s/he acted as selling agent.

No Premium for Keeping a Sold Dwelling On-site

The park owner may agree that your house can remain on-site after you have sold it and ended your residential site agreement. However, s/he cannot charge a premium for this, either to you or to any buyer.

You can go to the Consumer, Trader and Tenancy Tribunal if there is any dispute over the sale of your home on-site.

The Tribunal will hear disputes about:



Whether a commission or any other cost is payable to the park owner;



The amount of any commission, or any other cost;



Interference by the park owner in the sale of your home, and



Unreasonably withholding consent to assign a site agreement.



NSW Tenants' Advice Services

Northern Sydney	9884 9605
Southern Sydney	9787 4679
Western Sydney	9891 6377 1800 625 956
South West Sydney	4628 1678 1800 631 993
Central Coast	4353 5515
Hunter	4929 6888 1800 654 504
Mid North Coast	6583 9866 1800 777 722
Northern Rivers	6621 1022 1800 649 135
Illawarra / South Coast	4274 3475 1800 807 225
North West NSW	6772 8100 or 1800 836 268
South West NSW	6361 5307 or 1800 642 609



Independent community organisations funded by the Office of Fair Trading

Special Services for Koori tenants

Greater Sydney	9564 5367 1800 772 721
Western NSW (Gunya)	6882 3611 1800 810 233
Southern NSW (Murra Mia)	4472 9363 or 1800 672 185
Northern NSW	6643 4426 or 1800 248 913

Specialist resource service for residential parks

Park and Village Service (PAVS)

Level 3/25 Cooper Street
Surry Hills 2010 9281 7967

Park and Village Service is auspiced by the Combined Pensioners and Superannuants Association of NSW. PAVS provides resources, advice, advocacy and back-up to tenancy services regarding residential parks.

