



Form A

Residential Parks Act 2007

Notice to remedy breach of agreement (notice of termination)

(for use by park owner)*

To:
(insert name of resident)

of:
(insert address of rented property)

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

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)

- a) 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;
ie: 14 days tenancy agreement / 28 days site agreement)*
- b) If the breach is not remedied within this period, then -
 - (i) the agreement is terminated by force of this notice; and
 - (ii) you must give up possession of the rented property on or before:/...../.....
(insert date as per information on page 3)

Park owner's* signature:

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

Date:/...../.....

NB: 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/...../..... by:

personally handing it to the resident	<input type="checkbox"/>
mailing it to the resident	<input type="checkbox"/>
placing it in the resident's letterbox	<input type="checkbox"/>
other <i>(please specify below)</i>	<input type="checkbox"/>

.....

If you would like more information about this notice:

Call the advice section of the Tenancies Branch
Phone: 8204 9544 8.30am – 5pm Mon - Fri
www.ocba.sa.gov.au

***Park owner means the owner OR the operator of the park**

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 Residential Tenancies Tribunal (*on a form F*) 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 the Tribunal, the agreement will be terminated on the basis of the breach by force of this notice. 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 the Tribunal 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. If you do not, 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 the Office of Consumer & Business Affairs. 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 the advice section of the Tenancies Branch on 8204 9544.
 - Provide your forwarding address to the park owner*, as set out in Section 89 of the *Residential Parks Act 2007*.
 - 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 **breach on which this notice is based is solely failure to pay rent** under a residential park 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 to be paid before the park owner* can give this notice to the resident.
2. When completing the notice:
 - (a) the period the resident is allowed under **item a)** on page 1 to remedy the breach must be: **14 clear days for residential park tenancy agreements** or **28 clear days for residential park site agreements** after the day the resident receives, or is expected to receive this notice. In specifying this date you should not include the day on which the resident received, or was expected to receive the notice, as part of the period to remedy the breach.
 - (b) the date specified in **item b)** on page 1 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**; fourteen days to remedy the breach (ie: 2 - 15 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; fourteen days to remedy the breach (ie: 3 - 16 March); the earliest date for **possession** is **17 March**.*

Site Agreement

*Notice to remedy breach **served personally** on Wednesday, **1 March**; twenty-eight days to remedy the breach (ie: 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; twenty-eight days to remedy the breach (ie: 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 -
 - (a) unless the resident has voluntarily given up possession of the rented property; or
 - (b) unless you are authorised to take possession of the rented property by an order of a court or the Residential Tenancies Tribunal. To seek an order of the Tribunal for vacant possession, it will be necessary to lodge an application with the Tribunal (*form F*).
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.
7. You should retain a copy of this notice.