



# Residential Parks Act 2007

## Mediation of residential park disputes (Information for parties)

### What is mediation?

Your application to the Residential Tenancies Tribunal may be referred to the Commissioner for Consumer Affairs for mediation. Mediation is a process in which a neutral third party, appointed by the Commissioner, assists parties to a dispute to resolve their dispute by reaching agreement. A mediator does not have the power to determine any matter in dispute, whether or not the parties request or consent to such action.

Primarily, the mediator will facilitate discussion and communication between parties. The mediator will notify all parties to the dispute of the time and place fixed for mediation. The procedure for the mediation is at the discretion of the mediator. However, it will generally be an informal process and will not require the presence of legal or other representation.

To prepare for mediation each party should:

- make written notes setting out their case for use at the mediation;
- bring copies of all documents - agreements, rent records, receipts, letters, notices and accounts which may be relevant to the proceedings.

### Costs of mediation

The park owner\* and resident must each bear their own costs of mediation such as any loss of work or time on the day. There is no fee payable by parties for mediation of the dispute.

### Representation at mediation

Parties do not require legal or other representation at mediation. However, a party to a residential park dispute may be represented by a person who is not a lawyer if:

- The party is a body corporate and the representative is an officer, or employee, of the body corporate.  
Such a person must have the full authority of the body corporate. If the representative feels the need, or is required to consult before concluding a settlement agreement, then the person or persons to be consulted should be present at the mediation throughout so that they, too, can take part in the discussions and appraisal.
- All parties agree to the representation, and the mediator is satisfied that it will not unfairly disadvantage an unrepresented party.
- The mediator is satisfied that the party is unable to represent their case properly without assistance.

### What happens if parties reach an agreement at mediation?

The settlement to which the parties agree is binding on all parties, provided that it is not inconsistent with the *Residential Parks Act 2007*. The settlement must be put in writing and signed by or for the parties. The mediator may make a determination or an order to give effect to the settlement, which operates as a determination or order of the Residential Tenancies Tribunal.

Each party should ensure they are in total agreement with the terms of the agreement because, once signed, it is a legally binding document.

### What happens if parties cannot reach an agreement at mediation?

If a mediation is terminated because it appears to the mediator that it is unlikely that an agreed settlement can be reached within a reasonable time or for any other reason, the mediator must refer the matter to the registrar or deputy registrar for the listing of the matter before the Tribunal.

### 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](http://www.ocba.sa.gov.au)